

## WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 [Act No. 6 of Year 1974]

An Act to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water for the establishment, with a view to carrying out the purposes aforesaid, of Boards for the prevention and control of water pollution, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith WHEREAS it is expedient to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water, for the establishment, with a view to carrying out the purposes aforesaid, of Boards for the prevention and control of water pollution and for conferring on and assigning to such Boards powers and functions relating thereto; AND WHEREAS Parliament has no power to make laws for the States with respect to any of the matters aforesaid except as provided in articles 249 and 250 of the Constitution; AND WHEREAS in pursuance of clause (1) of article 252 of the Constitution resolutions have been passed by all the Houses of the Legislatures of the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal to the effect that the matters aforesaid should be regulated in those States by Parliament by law; Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows: -

### Chapter 1: Preliminary

#### 1. Short title, application and commencement

(1) This Act may be called the Water (Prevention and Control of Pollution) Act, 1974. (2) It applies in the first instance to the whole of the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal and the Union Territories; and it shall apply to such other State which adopts this Act by resolution passed in that behalf under clause (1) of article 252 of the Constitution. (3) It shall come into force at once in the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal and in the Union Territories, and in any other State which adopts this Act under clause (1) of article 252 of the Constitution on the date of such adoption and any reference in this Act to the commencement of this Act shall, in relation to any State or Union Territory, mean the date on which this Act comes into force in such State or Union Territory.

#### 2. Definitions

In this Act, unless the context otherwise requires,-

(a) "Board" means the Central Board or a State Board; 3 2 1

[(b) "Central Board" means the Central Pollution Control Board constituted under section 3;]

(c) "member" means a member of a Board and includes the Chairman thereof;

1 [(d) "occupier" in relation to any factory or premises, means the person who has control over the affairs of the factory or the premises, and includes, in relation to any substance, the person in possession of the substance;]

2 [(dd) "outlet" includes any conduit pipe or channel, open or closed, carrying sewage or trade effluent or any other holding arrangement which causes or is likely to cause, pollution;]

(e) "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;

(f) "prescribed" means prescribed by rules made under this Act by the Central Government or, as the case may be, the State Government;

(g) "sewage effluent" means effluent from any sewerage system or sewage disposal works and includes sullage from open drains;

2 [(gg) "sewer" means any conduit pipe or channel, open or closed, carrying sewage or trade effluent;]

1 [(h) "State Board" means a State Pollution Control Board constituted under section 4;]

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

(j) "stream" includes- (i) river; (ii) water course (whether flowing or for the time being dry); (iii) inland water (whether natural or artificial); (iv) sub-terranean waters; (v) sea or tidal waters to such extent or, as the case may be, to such point as the State Government may, by notification in the Official Gazette, specify in this behalf;

(k) "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.

## 5. Terms and conditions of service of members

(1) Save as otherwise provided by or under this Act, a member of a Board, other than a member-secretary, shall hold office for a term of three years from the date of his nomination: PROVIDED that a member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office. 13[(2) The term of office of a member of a Board nominated under clause (b) or clause (e) of sub-section (2) of section 3 or clause (b) or clause (e) of sub-section (2) of section 4 shall come to an end as soon as he ceases to hold the office under the Central Government or the State Government or, as the case may be, the company or corporation owned, controlled or managed by the Central Government or the State Government, by virtue of which he was nominated.]

## Algorithm

A procedure or formula used to solve a problem, or a series of instructions which tell a computer how to transform a data set into useful information. Algorithms are used widely throughout all areas of information technology.

## Algorithmic bias

Decision-making by computer systems or processes which delivers outcomes that are systematically less favorable to individuals within a particular group and where there is no relevant difference between groups that justifies such harms. Bias in algorithms can emanate from unrepresentative or incomplete training data or the reliance on flawed information that reflects historical inequalities. If left unchecked, biased algorithms can lead to decisions which can have a collective, disparate impact on certain groups of people, even without the programmer's intention to discriminate.

### **Artificial intelligence (AI)**

The ability of machines and systems to acquire and apply knowledge, and to carry out intelligent behavior.

### **AI audit**

An assessment process intended to uncover any risks to the rights and freedoms of individuals which may arise from AI adoptions, and to implement appropriate technical and organizational measures to mitigate these risks.

### **Automation**

The substitution of human input by machines, especially those which are digitally enabled.

### **Content moderation**

The process by which Internet companies determine whether user-generated content meets the standards articulated in their terms of service and other regulations.

### **Data governance**

A system of rights and accountabilities for information-related processes, which govern the use, accessibility and transparency of data information.

**Digital citizenship**

Competences which allow individuals to access, understand, analyze, produce and use the digital environment in a critical, ethical and creative way.

**Digital economy**

The changing patterns of production and consumption brought about by digital technologies.

The different economic facets of the digital economy can be broken down into three broad components: foundational aspects of the digital economy, such as fundamental innovations, core technologies and enabling infrastructures; digital and information technology sectors, such as digital platforms, mobile applications and payment services, which are making a growing contribution to economies; and a wider set of digitalizing and digitally enabled sectors, in which new activities or business models have emerged and are being transformed as a result of digital technologies, such as e-commerce.

**Digital government or e-government**

The use of novel information and communication technologies by governments with the objective of optimizing their functions, operations and services.

**Digitalization**

The ongoing integration of digital technologies and digitized data across economies and society.

**Digital literacy**

The ability to leverage technological concepts, methods and skills to be able to use and exploit information and communication technologies.

**Digital revolution**

The transformative changes brought about by a fusion of technologies, such as artificial intelligence, gene editing and advanced robotics, which are blurring the lines between the physical, digital and biological worlds. The Fourth Industrial Revolution is of a scale, speed and complexity which is unprecedented, disrupting nearly every industry and creating new opportunities and challenges for people, places and businesses.

**Disinformation**

False information which is intentionally designed to be deceptive and which often has a political or social goal, including undermining public trust in democratic institutions.

**Doxing**

The non-consensual, public release of an individual's private, personal, or sensitive information, such as home and email addresses, phone numbers, or employer and family member's contact information, with the purpose of causing physical harm.

**FemTech**

Software, diagnostics, products, and services which use technology to support women's health, including menstrual health, reproductive health, sexual health, maternal health and menopause.

**Gender digital divide**

The disparity between women and men and girls and boys in relation to digital adoption and their relative opportunities to access, use and benefit from digital technology.

**Gender impact assessment**

The evaluation, analysis or assessment of a law, policy or programme, prior to its implementation, that makes it possible to identify, in a preventative way, the likelihood of a given decision having negative consequences for the state of equality between women and men.

### **Gender mainstreaming**

The process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in all areas and at all levels. It is a way to make women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated.

### **Gender transformative**

An approach or process which shifts unequal gender relations to promote shared power, control of resources, decision-making, and support for women's empowerment.

### **Hate speech**

Any kind of communication in speech, writing or behavior, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, color, descent, gender or other identity factor. **Sexist hate speech** relates to expressions which spread, incite, promote or justify hatred based on sex.

### **Human rights-based approach**

An approach which aims to support better and more sustainable development outcomes by analyzing and addressing the inequalities, discriminatory practices and unjust power relations which are often at the heart of development problems. Under a human rights-based approach, development efforts are anchored in a system of rights and corresponding State obligations

established by international law. Civil, cultural, economic, political and social rights provide a guiding framework for development plans, policies and processes.<sup>56</sup> In the context of information and communication technologies, a human rights-based approach is one which also embeds safety-by-design and privacy-by-design.

### **Machine learning**

A branch of artificial intelligence, founded on the ability of machines to learn by themselves and to imitate human behavior. Examples include facial recognition and speech recognition technologies.

### **Meaningful access**

One's ability to have meaningful connectivity (see definition below), together with affordable access and a supportive social environment which facilitates women's and men's full ability and agency in their use of the Internet.

### **Meaningful connectivity**

One's ability to have daily access to the Internet with an appropriate device, enough data and a fast connection.

### **Misinformation**

Misinformation is incorrect or misleading information. In contrast to disinformation, misinformation is not necessarily created or shared to create harm and the individual who shares it may not even be aware it is false.

### **Online and technology-facilitated gender-based violence**

Any act of gender-based violence against women that is committed, assisted or aggravated in part or fully by the use of information and communication technologies, such as mobile phones

and smartphones, the Internet, social media platforms or email, against a woman because she is a woman, or which affects women disproportionately.

**Public digital innovation**

The use of digital technologies and applications to optimize processes and procedures of public services.