

CHAPTER 4
POWERS AND FUNCTIONS
OF BOARDS
SECTIONS 16 TO 18

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4.1. Scope.

Sections 16 to 18 of the Water Pollution Act deal with powers and functions of Boards. Section 16 deals with the Central Boards. Section 17 deals with State Boards and Section 18 with the power to give directions. As regards Joint Boards, see Section 14(5).

4.2. Sections 16 to 17: Need for amendment.

Sections 16 to 17 deal with the functions of the Central Board and State Boards respectively. With reference to these sections, there is need to make one fundamental point.¹ Section 16(1) and Section 17(1) provide that the main function of the Board shall be to promote cleanliness of "streams and wells". There is no mention of sources of water other than streams and wells. Similarly, Section 17(1)(a), concerned with State Boards, deals with the planning of a comprehensive programme for the prevention, control or abatement of pollution of "streams and wells". It does not mention other sources of water². Other sources, such as lakes and reservoirs, should be specifically covered in Section 16(1) and Section 17(1)(a). Of course, the definition of "pollution" is wide enough to cover pollution of lakes also. And other parts of Sections 16 and 17 (as well as other sections of the Act) do contain the wide word "pollution" and are not confined to streams and wells. However, having regard to the importance of Section 16(1) and Section 17(1)(a), an express mention of lakes etc. would be appropriate. In the alternative, the sections may be made more comprehensive by using more general language.

4.3. Section 18: Power to give directions: Need to amend.

Regarding Section 18, the only point that needs to be made is concerned with the marginal note, which reads as under:

"Power to give directions".

It is found that Section 33A of the Act also carries the same marginal note. This anomaly should be removed by substitution of another marginal note in one of the sections.³

1. Point for amendment. (Section 16 & 17).

2. See sources of water para 1.6 supra.

3. Point for amendment.

