

In exercise of the powers conferred by Section 54 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981), the Government of Kerala, after consultation with the Kerala State Pollution Control Board, hereby make the following rules, namely:-

CHAPTER 1

Preliminary

1. Short title and Commencement

(1) These rules may be called the **Kerala Air (Prevention and Control of Pollution) Rules, 1984.**

(2) They shall come into force at once

2. Definitions

(1) In these rules, unless the context otherwise requires,

(a) "Act" means the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981);

(b) "Appellate Authority" means the Appellate Authority constituted under sub-section (1) of section 31 of the Act;

(c) "Board" means the Kerala State Pollution Control Board constituted under Section 4 of the

Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974)

(d) "Chairman" means the Chairman of the Board;

(e) "committee" means a Committee constituted under sub-section (1) of section 11 of the Act;

(f) "consultant" means and includes any person whose services, technical or otherwise, may be obtained by the Board to assist or advice in performing any function of the Board;

(g) "Form" means a form appended to these rules;

(h) "Furnace" means any structure or installation where any form or type of fuel is burnt or otherwise

a temperature higher than the ambient is maintained;

(i) "Government" means the Government of Kerala;

(j) "Member - Secretary" means the Member Secretary of the Board;

(k) "premises" means any building, structure or property used for industrial or trade purposes;

(l) "section" means a section of the Act;:

(m) "State" means the State of Kerala;

(n) "State Air Laboratory" means a laboratory established or specified as such under sub-section (1) of Section 28 of the Act;

(o) "State Board Laboratory" means a laboratory established or recognised as such under sub-section (2) of section 17 of the Act;

(p) "year" means the financial year commencing on the first day of April.

(2) Words and expressions used but not defined in these Rules shall have the meaning respectively

assigned to them in the Act;

CHAPTER II

Rules under sub section (7) of section 7

3. The terms and conditions of service of the Chairman

(1) The Chairman shall be paid a monthly pay in the scale of pay approved by Government on the recommendation of the Board;

Provided that a person in the Services of the Government appointed as Chairman, shall be paid the pay and allowances attached to the post from which he is appointed plus deputation allowances admissible under the State Government Rules.

(2) In addition to the pay, the Chairman shall also be paid all allowances including travelling allowances

as applicable to an officer of the corresponding status in the Government. He shall also be paid any

other allowance, additionally, as the Board may with the prior approval of the Government, decide.

4. The terms and conditions of service of the members of the Board other than Chairman and Member Secretary

(1) The non-official members of the Board shall be entitled to payment of travelling allowance and

daily allowance from the Board's fund for the journeys performed by them for the purposes of the Board.

(2) The payment of travelling allowances and daily allowances under these rules shall be regulated by

the rules in Part - II of the Kerala Service Rules.

(3) The non-official members shall be treated as First Grade Officers for the purpose of payment of

travelling allowance and daily allowance under the rules referred in sub-rule (2).

(4) All non-official members shall be entitled to the payment of sitting fees at the rates fixed by

Government from time to time.

(5) Member-Secretary shall be the controlling officer in respect of travelling allowances, daily

allowances and sitting fees of the non-official members.

(6) The non-official members shall not be eligible for payment of travelling allowances and daily allowances

if they have claimed travelling allowances and daily allowances for the same journeys and periods

from the State or Central Government or from any other body under such Government.

CHAPTER III

Rules under sub section (1) of section 10 and under sub section (2) of section 11

5. Time and place of meetings of the Board or any committee of the Board and procedure to be followed at such meetings

(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, either on his own motion or upon the written request of not less than five members of the Board or upon a direction of the 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 meeting specifying the time and the place at which such meeting is to be held and the business to be transacted there at, shall be given by the Member-Secretary to the members.
- (4) Notice of a meeting may be given to the members by 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 Chairman 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 of 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 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 this rule relating to the notice is not strictly complied with.

6. The procedure to be followed at the meeting of the Board

- (1) Every meeting shall be presided over by the Chairman or in his absence, by a Chairman for the meeting to be elected by the members present from amongst themselves.
- (2) 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. In case of an equality of votes, the presiding officer shall have a second or casting vote.
- (3) The presiding officer shall preserve order at the meeting.

7. Quorum

- (1) Five members shall form the quorum for any meeting of the Board.
- (2) If at any time fixed for any meeting or during the course of any meeting 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 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 the meeting and order of business

(1) 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 5 shall be transacted at any meeting.

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

(3) Either at the beginning of the meeting or after conclusion of the debate on an item during the meeting

the presiding officer or a member may suggest a change in the order of business as entered in the

agenda and if the meeting agrees, such a change shall take place.

10. Procedure for transaction of business of committees constituted under sub-section (1) of section 11

(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 a committee 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 the committee shall, as far as may be,

governed by the rules applicable to the meetings of the Board.

11. Fees and allowances to be paid to members of the Committee of the Board, not being members of the Board

Rule under sub-section (3) of section 11

A member of a committee of the Board shall be paid in respect of the meetings of the committee and for

attending any other work of the Board travelling allowance, daily allowance and sitting fee if he is a non-

official, at the rates specified in rule 4 as if he were a member of the Board, and, if he is a Government

Servant, at the rates admissible under the relevant rules of the Government applicable to him.

CHAPTER V

Rule under sub sections (1) and (3) of section 12

12. The manner 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 deliberation of its meetings.

(2) Persons associated with the Board as per sub-rule (1) above shall be paid travelling and daily allowances if he is a Government Servant, at the rates admissible under the relevant rules of Government applicable to him.

CHAPTER VI

Rule under sub section (1) of section 14

13. The terms and conditions of Service of the 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 the Member-Secretary shall also be paid all allowances including travelling allowances as are applicable to an officer of the corresponding status in the Government. He shall

also be paid any other allowances additionally as the Board may with the prior approval of the Government decide:

Provided that a person in the service of the Government appointed as Member-Secretary, shall be

paid the pay and allowances attached to the post from which he is appointed plus deputation allowances admissible under the State Government rules.

CHAPTER VII

Rules Under Sub Section (2) Of Section 14

14. Powers and Duties of the Member-Secretary

The Member-Secretary shall be subordinate to the Chairman and shall, subject to the control of the

Chairman, exercise the powers and perform the duties as mentioned below:

(1) The Member-Secretary 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 the

previous permission for his tours outside the State.

(2) The Member-Secretary shall be in charge of all the confidential papers of the Board and shall be

responsible for preserving them.

(3) The Member-Secretary shall produce such papers whenever so directed by the Chairman or

by the Board.

(4) The Member-Secretary shall make available to any member of the Board, for his perusal, any record

of the Board.

(5) The Member-Secretary shall be entitled to call for the service of any officer or employee of the Board

and files, papers and documents from any department of the Board at any time including

accounts,

vouchers, bills and other records and stores pertaining to the Board or Offices there under.

(6) The Member-Secretary 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) The Member Secretary shall make all arrangements for holding meetings of the Board and meeting of

the committees constituted by the Board.

(8) All orders or instructions to be issued by the Board shall be over the signature of the Member-Secretary

or of any other officer authorised in this behalf by the Chairman.

(9) The Member-Secretary shall authorise, sanction or pass and make all payments against estimates

sanctioned within the allocations made for such purposes in the budget of the Board.

(10) The Member-Secretary shall write and maintain confidential reports of all subordinate officers of the

Board and shall get those countersigned by the Chairman.

(11) The Member-Secretary shall sanction the annual increments of the officers of the Board subordinate

to him.

(12) The Member Secretary shall have full powers for according technical sanction to all estimates.

(13) The Member Secretary 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 otherwise.

(14) Subject to approval of the Board the Member Secretary shall have power to engage legal advisors,

advocates, and attorneys for protecting or assisting the business of the Board on terms and conditions

to be approved by the Board.

(15) The Member-Secretary shall have power to make and give receipts, release and other discharge for

claims and demands on the Board.

(16) The Member-Secretary shall have power to sanction advertisement charges upto Rs.2,000[Rupees Two

thousand only) in each case subject to a limit of Rs.5,000 (Rupees Five thousand only) per year.

(17) The Member-Secretary shall have powers to hire private building on rent provided that in case of

hiring buildings having a rental charge exceeding Rs.1,000 (Rupees one thousand only) per month,

the approval of the Board shall be obtained.

(18) The Member-Secretary shall have power to sanction purchase of books and periodicals subject to a

monetary limit of Rs.5,000 (Rupees Five thousand only) per annum.

(19) The Member-Secretary shall have powers to purchase office furniture and equipments subject to a

maximum of Rs.20,000 (Rupees Twenty thousand only) at a time upto a total limit of

Rs.50,000

(Rupees Fifty thousand only) per annum.

(20) The Member-Secretary shall have powers to purchase scientific and engineering equipments subject

to a maximum of Rs.50,000 (Rupees fifty thousand only) at a time upto a total limit of Rs.2,00,000

(Rupees two lakhs only) per annum.

(21) The Member-Secretary shall have power to purchase materials and equipments for execution of

construction works up to the limits of the allotments made from time to time.

(22) The Member-Secretary shall have power to sanction installations of telephones in the offices of

the Board.

(23) (i) In respect of contracts to be let out by the Board, the Member-Secretary shall have powers upto a

financial limit of Rs. 2 lakhs (Rupees Two lakhs]

(ii) In respect of works and supplies, the Member-Secretary shall have power to accept quotation/

tender upto Rs.2,00,000 (Rupees two lakhs only) at a time.

CHAPTER VIII

Rules under sub-section (3) and (4) of section 14

15. Appointment conditions of service and scales of pay of officers and other employees of the Board

(1) The Board may create such of posts as it considers necessary for the efficient performance of its

functions, make appointments to such posts and may abolish any post so created, provided that for the

creation of a post, the maximum of the scale of which is above Rs.1500 (Rupees one thousand five

hundred only) per month, the Board shall obtain prior sanction of the Government.

(2) The general conditions of services of the staff appointed by the Board will be governed by the Kerala

Service Rules unless otherwise specified.

CHAPTER IX

Rules under sub-section (5) of section 14

16. Appointment of Consultant

For the purpose of assisting the Board in the performance of its function, the Board may appoint a consultant

to the Board for a specified period not exceeding six months:

Provided that the Board may, with the prior approval of the Government extend the period of the appointment

from time to time upto one year:

Provided further that if at the time of the initial appointment the Board had reason to believe that the services

of the Consultant would be required for a period of more than six months, the Board shall not

make the appointment without the prior approval of the Government.

17. Power to terminate appointment of consultant

Notwithstanding the appointment of a Consultant for a specified period under rule 16, the Board shall have the right to terminate the services of the consultant before the expiry of the specified period, if in the opinion of the Board he 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.

18. Emoluments of the Consultant

The Board may pay the Consultant suitable emoluments or fees depending upon the nature of work and the qualifications and experience of the Consultant: Provided that the Board shall not appoint any person as Consultant without the prior approval of the Government, if the emoluments or fees payable to the consultant exceeds Rs.2,000 (Rupees Two thousand only] per month.

19. Tours by Consultant

The Consultant may, with the prior approval of the Chairman 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 Class I Officers of the Government.

20. Consultant not to disclose information

The Consultant 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.

21. Duties and functions of the Consultant

The Consultant shall discharge such duties and perform such functions as are assigned to him by the Board or the Chairman and it shall be his duty to advise them on all matters referred to him.

CHAPTER X

Rules under clause (1) of sub-section (1) of section 17

22. In addition to the functions of the Board mentioned under Section 17 of the Act and without prejudice to the performance of its functions under the Water (Prevention and Control of Pollution) Act, 1974, it shall also be the functions of the Board

(1) to advise the industrial licensing authorities concerned including the Central Government and local bodies about the suitability of proposals including selection of site and process for setting up new industries or expanding existing industries within the State (and near the State boundaries that are likely to pollute the air or water within the State), such advice being with respect to abatement of air and water pollution;

(2) to issue or deny No Objection Certificates for the purposes of setting up new industries and expansion of existing industries within the State, considering the applications made in forms specified by the Board in this behalf and the Member-Secretary of the Board shall issue or deny such No Objection Certificates within three months from the date of making an application and the procedure specified by the Board shall be followed in respect of such application;

(3) to assess the nature and extent of pollution from any source;

(4) to set up a Research and Development service in the field of pollution control;

(5) to carry out Environmental Impact Studies and air quality surveys as directed by the Government or Central Board from time to time in collaboration with other agencies wherever necessary;

(6) to institute fellowships for carrying out fundamental or applied research in the field of environmental engineering or science, provided that the findings of such research will be useful to the Board for carrying out its functions, the terms and conditions of such fellowships being as specified by the Board;

(7) to give awards, in cash or otherwise, to persons, industries, institutions or societies for outstanding service in the field of environmental protection.

CHAPTER XI

Rules under sub section (1) of Section 19

23. Manner of declaration of air pollution control areas

(1) The Government may, after consultation with the Board, by notification in the Gazette declare any area with reference to a map or of any area coming under any one or more of the following as air pollution control area: -

- (1) Village
- (2) Taluk
- (3) Panchayat
- (4) Municipality
- (5) Municipal Corporation

(2) The air pollution control areas declared under sub-rule (1) be known by such name or number as may be specified in the notification under the said sub-rule.

CHAPTER XII

Rules under sub section (2) of Section 21

24. The form of application for the consent of the State Board, the fees payable and period within which application is to be made under section 21 of the Act.-

- (1) An application for the consent of the Board to establish or operate any industrial plant under section 21 of the Act shall be made to the Member Secretary of the Board, in triplicate in the relevant Form specified in the Appendix I:

Provided that in cases where the applicant requires consent under the Kerala Water (Prevention and Control of Pollution) Rules, 1976 also, the applicant shall be at liberty to apply for consent under the said rules specifically mentioning therein the requirement of consent under these rules also and such an application shall be deemed to be an application under these rules and in that case, notwithstanding anything to the contrary contained in these rules, no separate consent fee shall be charged hereunder.

- (2) The industries shall be categorised into Red, Orange and Green based on pollution potential as may be specified by the Board from time to time.

- (3) In the case of Red, Orange and Green categories, consent shall normally be for a period of three years. However, in case of Orange category, consent upto maximum period of six years and in case of Green category, consent upto maximum period of nine years may be given in appropriate cases, provided the fees are remitted for that many years, respectively.

- (4) Every application shall be accompanied by fees for the number of years applied for at the annual rate as specified in Table I or II hereunder:

Provided that the Government hospitals/health care units shall be allowed a fee concession at the rate of 90%.

TABLE - 1

Sl.No.	CAPITAL INVESTMENT (C.I) (Rs.)	ANNUAL RATE OF CONSENT FEE (Rs.)		
		CATEGORY		
		RED	ORANGE	GREEN
1	Upto 1 lakh	540	490	440
2	1 to less than 2 lakh	640	590	540
3	2 to less than 3 lakh	740	690	640
4	3 to less than 4 lakh	840	790	740
5	4 to less than 5 lakh	940	890	840
6	5 lakh	1140	1040	940
7	Above 5 to less than 6 lakh	1470	1370	1270

8	6 to less than 7 lakh	1570	1470	1370
9	7 to less than 8 lakh	1670	1570	1470
10	8 to less than 9 lakh	1770	1670	1570
11	9 to less than 10 lakh	1870	1770	1670
12	10 lakh	2370	2120	1920
13	Above 10 to less than 15 lakh	3370	3120	2920
14	15 to less than 20 lakh	3670	3420	3170
15	20 to less than 25 lakh	3970	3670	3420
16	25 to less than 30 lakh	4420	4020	3670
17	30 to less than 35 lakh	5440	4640	3670
18	35 to less than 40 lakh	5440	4640	4170
19	40 to less than 50 lakh	6560	5600	4800
20	50 to less than 75 lakh	12000	10000	8000
21	75 to less than 100 lakh	15000	12000	10000
22	1 to less than 5 crore	20000	17000	14000
23	5 to less than 10 crore	35000	25000	20000
24	10 to less than 25 crore	70000	60000	50000
25	25 to less than 50 crore	100000	80000	70000
26	50 to less than 100 crore	120000	100000	80000
27	100 to less than 150 crore	140000	110000	90000
28	150 to less than 200 crore	200000	160000	120000
29	200 to less than 250 crore	250000	200000	150000
30	250 to less than 300 crore	300000	240000	180000
31	300 to less than 400 crore	400000	320000	240000
32	400 to less than 500 crore	500000	400000	300000
33	500 to less than 600 crore	600000	480000	360000
34	600 to less than 700 crore	700000	560000	420000
35	700 to less than 800 crore	800000	640000	480000
36	800 to less than 900 crore	900000	720000	540000
37	900 to less than 1000 crore	1000000	800000	600000
38	1000 crore & above	0.01% of C.I.	0.008% of C.I.	0.006% of C.I.

TABLE -2

Sl.No.	Population, in lakh	Consent fee (Rs)
(1)	(2)	(3)
1	Upto 1 lakh	1,500
2	1 to less than 1.5	3,000
3	1.5 to less than 2	4,500
4	2 to less than 2.5	6,000
5	2.5 to less than 3.0	7,500
6	3.0 to less than 3.5	9,000
7	3.5 to less than 4.0.	10,500
8	4.0 to less than 4.5	12,000
9	4.5 to less than 5.0	13,500
10	5.0 to less than 6.0	15,000
11	6.0 to less than 7.0	18,000
12	7.0 to less than 8.0	21,000
13	8.0 to less than 9.0	24,000
14	9.0 to less than 10.0	27,000
15	10.0 and above	30,000

(5) Every application for renewal of consent shall be submitted in triplicate in the form specified in sub rule (1) in the third month before the expiry of the consent. An application submitted late but within the validity period of consent shall be accompanied by a penalty of 25% of the consent fee and application submitted after the validity period shall be accompanied by a penalty of 50% of the consent fee.

(6) No application which is not accompanied by the consent fee and penalty, if any, and not containing name, address or signature of the occupier of the industry and other relevant particulars shall be entertained by the Board.

(7) The consent fee and penalty, if any, shall be paid in favour of Kerala State Pollution Control Board payable at such place as may be specified by the Board.

CHAPTER XIII

Rules under sub section (3) of Section 21

25. Procedure to be followed in respect of inquiry on application for consent

(1) On receipt of an application for consent under section 21 in the proper form accompanied by the required consent fees and containing the required particulars the Member Secretary shall forward one copy of the application to an officer of the Board empowered in this behalf (Hereinafter referred to as the inquiry officer).

(2) The inquiry officer shall, accompanied by as many assistants as may be necessary, inspect or cause to be inspected the premises to which such application relates for the purpose of verifying the correctness or otherwise of the particulars furnished in the application and for obtaining such further particulars or information as he may consider necessary. The officer conducting the

inspection

may, for that purpose inspect any part of the industrial plant and premises and may require the

occupier to furnish to him any information or records pertaining to the industrial establishment.

(3) The inquiry officer shall, before carrying out or causing to be carried out the inspection under

sub-rule [2], give notice to the occupier of the intention to do so in Form II.

(4) The inquiry officer may, after carrying out or causing to be carried out an inspection under

sub-rule (2), serve notice to the occupier in Form III to furnish to him within such time as specified

in the notice such additional information or clarification on the application for consent or any plans,

drawings or reports pertaining to the industrial establishment or to produce before him such documents, licences, certificates etc., as he may consider necessary for the purpose of investigation

of the application and may, for that purpose of investigation of the application and may, for that

purpose summon the occupier or his agent to an office of the Board. The inquiry officer may, if

necessary, again call for further information or clarifications, following the same procedure as above.

(5) Where the directives given in the notice under sub-section (4) have not been satisfactorily complied

with by the occupier within such period as specified in the notice or any extensions of period given

thereto, the application may be returned by the Member-Secretary to the occupier where after it

shall be deemed that no application for consent under section 21 has been made. The consent fees

remitted with the application will, in that case, be forfeited by the occupier.

CHAPTER XIV

Rules under sub section (1) of section 23

26. The authorities and agents to whom information under sub-section 23 was to be furnished

The authorities or agencies to whom information under sub-section (1) of section 23 has to be furnished

shall be District Collector, District Medical Officer, Fire Force, Police authority and Local body having

jurisdiction over the premises in which the emission occurs or is apprehended to occur.

CHAPTER XV

Rules under sub section (1) and (3) of section 26

27. The manner in which samples of air or emission may be taken

(1) Any officer empowered by the Board in this behalf shall take for the purpose of analysis

samples of air
or emission from any chimney, flue or duct, plant or vessel or any other source and outlet,
stationary
or mobile under sub-section (1) of section 26. All necessary facilities for access to the place
of
sampling and for conducting the sampling, as required by such officer, shall be provided by
the
occupier or his agent.

(2) The procedure for sampling air or emission from any chimney, flue or duct, plant or
vessel or from any
other source and outlet, stationary or mobile, the instruments used for sampling and the
method of

measuring air pollutants shall be such as may be specified by the Board to suit the situation.

(3) The notice to be served to the occupier or his agent for taking samples for analysis shall
be in Form IV.

CHAPTER XVI

Rules under sub section (1) of section 27

28. The form of report of State Board Laboratory

When a sample of emission has been sent for analysis to a State Board Laboratory, the Board
Analyst

appointed under sub-section [2] of section 29 shall analyse or cause to be analysed the sample
and

submit a report of the result of such analysis in Form V in triplicate to the Member Secretary.

CHAPTER XVII

Rules under sub section (3) of section 27

and sub section (2) of section 28

29. The functions of the State Air Laboratory

(1) The function of the State Air Laboratory is to analyse or test samples of air or emission
sent by any

officer empowered by the Board in this behalf and to communicate to the Member-Secretary
or such

officer, as the case may be, the result of such analysis or test.

(2) Any addition to or change in the function of the State Air Laboratory shall be as notified
by the

Government after consulting the Board from time to time.

30. Procedure for submission of samples for report of State Air Laboratory

The procedure for submission of samples of air or emission for analysis or test to
the State Air Laboratory shall be as specified by Government in consultation with the Board
and

the State Air Laboratory.

31. Form of report of State Air Laboratory and fees

(1) When a sample has been sent for analysis to a State Air Laboratory, the Government
Analyst

appointed under sub-section (1) of section 29 shall analyse or cause to be analysed the sample and submit a report of the results of such analysis in Form VI in triplicate to the Member Secretary.

(2) The fees for each such report shall be such as may be notified by the Government, from time to time in consultation with the Board.

CHAPTER XVIII

Rules under sub section [1] of section 29

32. The qualifications required for Government Analyst

The qualification required for Government Analyst shall be -

1. M.Sc. in Chemistry or Bio-Chemistry of a recognised University

or

B.Sc (Hons.) in Chemistry or Bio-Chemistry of a recognised University with at least second class

or

B.Sc. in Chemistry of a recognised University with at least second class

or

Associate diploma of the Institution of Chemists (India) with at least 50% marks.

2. Experience in analysis of water/air in the Government Analyst's Laboratory in the State for a period

of not less than 3 years of which not less than one year should be in the cadre of 'Deputy Government Analyst'.

CHAPTER XIX

Rules under sub section (2) of section 29

33. The qualifications required for Board Analyst

The qualifications of the Board Analyst shall be in accordance with the regulations made under the

Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974).

CHAPTER XX

Rules under sub section (3) of section 31

34. The form and the manner in which appeal may be preferred, the fees payable and the procedure to be followed by the Appellate Authority

(1) Every appeal against an order made by the Board under the Act shall be in Form VII

(2) The fee payable for an appeal shall be Rs.500 (Rupees five hundred only).

(3) Every appeal shall be filed in quadruplicate and shall be accompanied by-

(i) authenticated copy of the order appealed against, and

(ii) a Chelan receipt for Rs.500 (Rupees five hundred only) evidencing payment of fee for the appeal.

(4) The appeal shall be presented either personally or by duly authorised agent or by registered post to the Appellate Authority.

(5) On receipt of the appeal, the Appellate Authority shall endorse thereon the date of its presentation or receipt by post and the name of the appellant or his duly authorised agent presenting it, as the case may be,

(6) The Appellate Authority shall, as soon as may be after the appeal is filed before it, fix a date for hearing of the appeal and give notice of the same to the appellant and to the Member-Secretary in Form VIII. Along with the notice, copies of the appeal and its enclosures shall be forwarded to the Member Secretary.

(7) Where the material on record is insufficient to enable the Appellate Authority to come to a decision on the appeal, the Appellate Authority may call for such further materials as may be necessary to take a decision in the matter from the persons concerned.

(8) Where on the date fixed for hearing or any date to which the hearing of the appeal may be adjourned, the appellant or his duly authorised agent does not appear when the appeal is called for hearing, the appeal shall be liable to be dismissed.

(9) Where an appeal is dismissed under sub-rule (6), the appellant may, within 30 days from the dismissal of the appeal, apply to the Appellate Authority for the restoration of the appeal and if it is shown to the satisfaction of the Appellate Authority that the appellant had not received intimation of the date of hearing of the appeal or was prevented, by any cause sufficient in the opinion of the Appellate Authority, from appearing when the appeal was called for hearing, the Appellate Authority may restore the appeal to file and proceed with the appeal.

(10) The order passed by the Appellate Authority on the appeal shall be in writing and shall state clearly the points before it for determination, the decision thereon, and the reasons for arriving at such decision.

(11) A copy of the order passed in appeal shall be supplied by the Appellate Authority to the appellant and to Member-Secretary free of cost.

CHAPTER XXI

Rules Under Sections 34 and 35

35. Form of budget estimate

(1) The budget in respect of the year ensuing showing the estimated receipts and expenditure of the Board shall as far as may be, based on the model Form IX following the pattern of budgeting of the Government in general.

(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 model structure of accounting classification given in Appendix III, following the classification of account heads in Government budgeting.

36. Submission of budget estimate to the Board and to the Government

(1) The budget estimates compiled in accordance with Rule 35 shall be placed by the Member Secretary

before the Board by the 5th October each year for approval.

(2) After approval of the budget estimates by the Board, four copies of final budget proposals incorporating therein such modifications as have been decided upon by the Board shall be submitted to the Government by the 15th October each year.

37. 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 provide for the gross amount without deductions of any kind.

(2) To the estimates referred to in sub-rule (1) shall be added 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.

38. Re-appropriations and emergent expenditure

No expenditure, which is not covered by a provision in the sanctioned budget estimate 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 re-appropriation from some other head under which savings are firmly established and available.

39. Power to incur expenditure

The Member Secretary of such other officers empowered by him 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 Government.

40. Operation of funds of the Board

The funds of the Board shall be operated by the Member Secretary and in his absence by an officer of

the Board empowered by the Board in this behalf, subject to the approval of the State Government.

41. 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 Appendix IV and shall be submitted to the State Government by the 15th of May each year.

CHAPTER XXII

Rules under sub-section (1) of section 36

42. Form of annual statement of accounts of the Board

The annual statement of accounts of the Board shall be in forms X, XI, XII, XIII & XIV.

CHAPTER XXIII

Rules under Section 51

43. The particulars which the register maintained under section 51 may contain

The register to be maintained by the Board under section 51 of the Act shall be in Form XV and shall contain these particulars specified there in.