

Short title

1. These rules may be called the Kerala Water (Prevention and Control of Pollution) Appellate Authority Rules, 1977.

Definitions

2. In these rules, unless the context otherwise requires,

- (a) "Act", means the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974);
- (b) "Appellate Authority" means the Appellate Authority constituted under sub-section (1) of Section 28 of the Act;
- (c) "Board" means the State Board constituted under Section 4 of the Act;
- (d) "Chairman" means the Chairman of the Appellate Authority;
- (e) "Interlocutory Application" means an application to the Appellate Authority in any appeal or proceedings already instituted before the Appellate Authority;
- (f) "Rules" means the rules framed under the Act
- (g) "Secretary" means the person who is for the time being discharging the functions of Secretary to the Appellate Authority;
- (h) "State Representative" means an Officer appointed by the State Government to receive on their behalf notices and orders issued by the Appellate Authority and generally to appear, act and plead before the Appellate Authority on behalf of the State and includes an Officer appointed to act on his behalf in his absence.

Note: - All the words and expressions used herein and defined in the Act and the Rules and not hereinbefore defined shall be deemed to have the meanings respectively attributed to them in the Act and the Rules.

Appellate Authority

3. The Appellate Authority shall consist of the following members, namely: -

- (a) a Judicial Officer not below the rank of a District Judge who shall be the Chairman of the Appellate Authority;
- (b) an Administrator who shall be an Officer not below the rank of Joint Secretary to Government;
- (c) a Technical Officer not below the rank of a Superintending Engineer.

Headquarters

4. The Headquarters of the Appellate Authority shall be at Trivandrum.

Places of Hearing

5. All appeals and applications shall ordinarily be heard at the Headquarters:
Provided that the Chairman may decide whether any appeal or application shall be heard at any other place in the State of Kerala.

Office hours etc

6. The Office of the Appellate Authority shall observe the same office hours and holidays as other Public Offices of the State.

Appeal

7. Every appeal to the Appellate Authority shall be in the form appended to these rules and shall be accompanied by -
(i) the original order appealed against or a certified copy thereof;
(ii) a chalan receipt evidencing payment of a sum of Rs.1000 (Rs. One thousand only) as fee in favour of Water Appellate Authority under the head of account 0215-01-103-water supply sanitation;
Provided that every memo of appeal and petition shall be in quadruplicate and the memo of appeal shall be accompanied by four copies one of which shall be the certified copy of the order appealed against.

Presentation of Appeal

8. The appeal shall be presented either personally or by registered post to the Secretary to the Appellate Authority.

Appearance etc

9. Any appearance or application made or act done before or to the Appellate Authority, which is required or authorised by law to be made or done by a party may, except where otherwise provided be made or done by the party in person or by his recognised agent or by a pleader on his behalf.

Interlocutory Applications

10. The cause title of the proceedings in the Appeal Memorandum shall be given as the heading in all interlocutory applications.

Powers of Appellate Authority

- 11.** (1) The Appellate Authority shall have the power to call for the records relating to the original order of the Board and such other documents as that authority considers necessary for the consideration of the appeal.
- (2) The Appellate authority shall have the power to conduct factual verification of the structures and details contemplated under section 25 of the Act.
- (3) For effective and proper disposal of appeals the Chairman and Members shall have the power to conduct local inspection of the concerned places and/or depute an officer of the Appellate Authority or to request the Board or any other department to conduct such local inspection and to furnish a report to the Appellate Authority.
- (4) The Chairman shall have the power to summon witnesses whose evidence appears to be desirable to be recorded for the disposal of an appeal and a witness so summoned shall abide by that notice served on him by the Appellate Authority. If any witness from the Board is required, the Member Secretary who can represent the Board above shall be summoned.
- (5) The Chairman shall have the power to call for technical reports / advice from such experts as he thinks fit for the disposal of an appeal and such expert shall furnish the report within the time stipulated by the Chairman in this regard.
- (6) The Chairman, may, in writing delegate his powers under these Rules to any member or members during his absence on leave or otherwise and may cancel or modify the same from time to time.

Order of Appellate Authority to be communicated

- 12.** The order of the Appellate Authority shall be communicated to the Appellant and to the Board. A charge of two rupees per page of the order shall be levied from the Appellant.