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MAHARASHTRA POLLUTION CONTROL BOARD

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MUMBAI - 400 001.

BY R.P.A.D./FAX/HAND DELIVERY
No. WP/Legal/B-2/170

Date: 18/01/2001

To,
The Regional Officer,
Maharashtra Pollution Control Board,
Mumbai/Nav Mumbai/Kalyan/Raigad/Thane/Kolhapur/
Pune/Aurangabad/Nashik/Amaravati/Nagpur/P&P.
The Sub-Regional Officer
Maharashtra Pollution Control Board,
HQ/Smoke/Air/Mumbai-I/Mumbai-II/Mumbai-III/Nav Mumbai-I/Taloja/
Kalyan-I/Kalyan-II/Raigad-I/Raigad-II(Mahad)/Thane/Cess/
Tarapur/Sangli/Ratnagiri/Lote-Parshuram/Pune/Fimpri-Chinchwad/
Satara/Aurangabad/Nanded/Nashik/Jalgaon/Ahmednagar/Amaravati/
Akola/Nagpur-I/Nagpur-II/Chandrapur.

CIRCULAR

Sub: Procedure/Guidelines to be followed before
filing of prosecutions in the appropriate
courts of law under the provisions of the
Water (Prevention & Control of Pollution)
Act, 1974 and the Air (Prevention & Control
of Pollution) Act, 1981.

Maharashtra Pollution Control Board has taken review about
the procedure being followed up in the filing of prosecutions
complaints/applications by the Regional Officers/Sub-Regional
Officers under the provisions of the Water (Prevention & Control
of Pollution) Act, 1974 and the Air (Prevention & Control
of Pollution) Act, 1981 respectively in the Courts of Law in their
jurisdiction. The Board in its 122nd Meeting held on 19/12/2000
has authorised the Regional Officers/Sub-Regional Officers of the
Board to file complaints/applications for non-compliance of the
provisions of the above Acts. Therefore, the Board in its 123rd
meeting held on 2/6/2000 has come to the conclusion that since
the Board has already authorised the above officers for filing
complaints and since, it is not necessary to grant the previous
sanction for filing of the complaint on behalf of the Maharashtra
Pollution Control Board as per the amendments in both the Acts,
it will be more appropriate that instead of putting all the
prosecution proposals before Consent Appraisal Committee, the
respective Regional Officers and Sub-Regional Officers are
allowed to file complaints/applications for non-compliance
consent conditions with the approval of the Member Secretary
Chairman of the Board so as to ensure proper and timely action
against the defaulting industry.

after his comments recommend necessary action. This should be submitted to the controlling officer for necessary comments and then the controlling officer should submit it to the Law Officer for necessary legal scrutiny.

The above procedure is laid down to ensure proper technical and legal scrutiny. However, in case of urgent matters, the Regional Officers/Sub-Regional Officers can file cases with telephonic approval also. Similarly, in case of non-availability of Sub-Regional Officers/Regional Officers or in order to avoid further delay, the Field Officers/Sub-Regional Officers/Regional Officers can directly submit prosecution proposals for administrative approval of the Member Secretary/Chairman.

Devale

(D. T. Devale)
Law Officer(LW)

Copy submitted to:

- 1) Hon'ble Chairman, MPCEB, Mumbai - for information.
- 2) Member Secretary, MPCEB, Mumbai - for information.
- 3) Water Pollution Abatement Engineer/Air Pollution Abatement Engineer/Principal Scientific Officer, MPCEB, Mumbai - for information.

Copy f.w.cs.to:Regional Officer(HQ)/Law Officer(HQ)/Statistical Officer, MPCEB, Mumbai - for information.

Copy to: Asstt.Law Officer(HQ and Cess Br., Thane), MPCEB, Mumbai - for information.

Copy to: Dy-Engineer, MPCEB, Navi Mumbai - for information.

Copy to: Senior Scientific Officer-1, 2 & 3, Central Lab., Cidco Bhavan, Navi Mumbai - for information.

Copy to: Junior Scientific Officer, Regional Laboratory, Nagpur/Nashik/Pune/Aurangabad/Lote Parshuram/Thane, MPCEB - for information.