

Environment Law

Water Act, 1974

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Sec 41: Failure to give information.

Offences

► **Violation of Sec 20:**

Failure to give information u /Sec 20

ii) **Violation of Sec 32** violating orders prohibiting discharge.

iii) **Violation of SEC 33**
Violating orders of Court

iv) **Violation of Sec 33A:** violating orders of State Board

Penalties

i) Imprisonment up to 3 months and Fine extending up to 10,000

If failure continues

Additional fine 5000/-per day till failure continues.

ii)iii) iv) Imprisonment from 1yr 6 months ---6 yrs + fine

If contd ...Addnl fine 5000/- per day

Failure Beyond 1yr....Imp 2yrs---7yrs + fine

Sec 42

- ▶ Penalty for certain acts.—(1) Whoever—
- ▶ (a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board, or
- ▶ (b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act, or
- ▶ (c) damages any works or property belonging to the Board, or
- ▶ (d) fails to furnish to any officer or other employee of the Board any information required by him for the purpose of this Act, or
- ▶ (e) fails to intimate the occurrence of any accident or other unforeseen act or event under section 31 to the Board and other authorities or agencies as required by that section, or
- ▶ (f) in giving any information which he is required to give under this Act, knowingly or wilfully makes a statement which is false in any material particular, or

Sec 42

- ▶ (g) for the purpose of obtaining any consent under section 25 or section 26, knowingly or wilfully makes a statement which is false in any material particular,.
- ▶ ii) Alteration of monitoring instrument, meter guage etc
- ▶ Penalty : Imprisonment for a term 3 months or with fine which may extend to 10,000/- or with both
- ▶ Imprisonment 3mnths or Fine upto 10 000/- or both.

Sec 43

- ▶ **Contravention of Sec 24:** discharge of poisonous material in well stream

- ▶ Imprisonment—not less than 1 yr ...upto 6 years **and** fine

Sec 44

Contravention of Sec 25 ,sec 26

Sec 25 -new outlets, discharges

Sec 26—Existing discharge of sewage

Imprisonment not less than 1yr --
-upto 6 yrs and Fine

Sec 45

- ▶ Previous conviction u / sec 43 or sec 44 and again guilty (previous conviction not be more than 2 yrs earlier)

Sec 45 A

If no specific punishment for any offence....

- ▶ Enhanced punishment imprisonment from 2yrsup to 7yrs and Fine

Imprisonment 3 mnths or Fine up to 10,000/- or both

If continues...

Adnl fine 5000/-per day

Sec 46 :Publication of name by court

- ▶ If any person
- ▶ convicted of an offence under this Act
- ▶ commits a like offence afterwards,
- ▶ the court before which the second or subsequent conviction takes place
- ▶ can cause the offender's name and place of residence, the offence and the penalty imposed to be **published at the offender's expense in newspapers**

Sec 47. OFFENCES BY COMPANIES

- ▶ (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was **in charge of, and was responsible** to the company for the conduct of, the business of the company, **as well as the company**, shall be deemed to be **guilty** of the offence and shall be liable to be proceeded against and punished accordingly:
- ▶ Not liable if he proves that the offence was committed without his knowledge for that he exercised all due diligence to prevent the commission of such offence.
- ▶ (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any **neglect** on the part of, any **director, manager, secretary or other officer** of the company, such director, manager, secretary or other officer shall also be deemed to be **guilty** of that offence and shall be liable to be proceeded against and punished accordingly

Sec 48. OFFENCES BY GOVERNMENT DEPARTMENTS

- ▶ Where an offence under this Act has been committed by any Department of Government, the **Head of the Department** shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:
- ▶ Not liable if he proves that the offence was committed **without his knowledge or that he exercised all due diligence to prevent** the commission of such offence.