

The East Pakistan Water Pollution Control Ordinance, 1970 **East Pakistan Ord. No. V of 1970**

[Published in Dacca Gazette, Extraordinary, dated 23rd February, 1970]

[Repealed by Ord. XIII of 1977]

An Ordinance to provide for the control, prevention and abatement of pollution of waters of East Pakistan.

Whereas it is expedient to provide for the control, prevention and abatement of pollution of waters of East Pakistan;

Now, therefore, in pursuance of the Proclamation of the 25th day of March, 1969, read with the Provisional Constitution Order, and in exercise of all powers enabling him in that behalf, the Governor is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and commencement.**- (1) This Ordinance may be called the East Pakistan Water Pollution Control Ordinance, 1970.

(2) It extends to the whole of East Pakistan.

(3) It shall come into force at once.

2. **Definitions.**- In this Ordinance, unless there is anything repugnant in the subject of context,-

(a) "Board" means the Water pollution Control Board constituted under section 3 of this Ordinance;

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

(c) "Chief Engineer" means the Chief Engineer, Public Health Engineering, Government of East Pakistan;

(d) "disposal system" means a system for disposing of wastes, either by surface or underground methods, and includes sewerage systems, treatment works and disposal wells;

(e) "pollution" means such contamination, or other alteration of the physical, chemical or biological properties of any waters, including change in temperature, taste, colour, turbidity, or odour of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life ;

(f) "sewerage system" means pipe lines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances

and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal;

- (g) “treatment works” means any plant or other works, used for the purpose or treating, stabilising or holding wastes;
- (h) “wastes” means sanitary sewage, industrial discharges and all other liquid, gaseous, solid, radioactive, or other substances which may pollute or tend to pollute any waters;
- (i) “Water” means all waters including all streams, coastal waters, tanks, lakes, ponds, reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulation of waters, surface or underground, natural or public or private.

3. **Constitution of the Board.-** (1) For carrying out the purposes of this Ordinance, there shall be a Board to be called the East Pakistan Water Pollution Control Board consisting of the following members, namely :-

- (a) the Additional Chief Secretary (Planning and Development) to the Government of East Pakistan, who shall also be the Chairman of the Board ;
- (b) the Secretary to the Government of East Pakistan in the Basic Democracies and Local Government Department;
- (c) the Secretary to the Government of East Pakistan in the Agricultural Department ;
- (d) the Secretary to the Government of East Pakistan in the Commerce and Industries Department ;
- (e) the Director of Health Services, Government of East Pakistan;
- (f) the Chief Engineer, Public Health Engineering, Government of East Pakistan;
- (g) one person to represent the East Pakistan Water and power Development Authority to be nominated by that Authority; and
- (h) one person to represent the East Pakistan Inland Water Transport Authority to be nominated by that Authority.

(2) The Provincial Government shall appoint an officer of the Directorate of Public Health Engineering, Government of East Pakistan, to be the Secretary of the Board.

4. **Meetings of the Board.-** (1) The meetings of the Board shall be held on such date and at such time and place as the Chairman may direct :

Provided that when there is any appeal to the Board under sub-section (2) of section 7, the Board shall meet within fifteen days from the date of such appeal.

(2) All meetings of the Board shall be presided over by the Chairman and, in his absence, by a member nominated by him.

(3) Three members of the Board shall form a quorum.

(4) All matters at a meeting of the Board shall be decided by majority of the votes of the members present.

(5) Each member of the Board shall have one vote and in the event of equality of votes the Chairman shall have a casting vote.

(6) Proceedings of the meetings of the Board shall be recorded, circulated to its members within a fortnight and submitted for confirmation at next meeting.

5. **Functions of the Board.-** (1) the Board shall -

(a) formulate policies for the control, prevention and abatement of pollution of waters of East Pakistan; and

(b) suggest measures for the implementation of its policies;

(2) For the purpose of sub-section (1), the Board may-

(a) require any person to furnish or cause to be furnished such information as it may specify;

(b) call for a report from the Chief Engineer on the existing and potential water pollution problems in the whole of East Pakistan or in any part thereof; and

(c) appoint such expert committee as it may consider necessary.

6. **Implementation of the policies.-** (1) The Chief Engineer shall be responsible for implementation of the policies formulated by the Board and for adopting or causing to be adopted measures suggested by it.

(2) For the purpose of sub-section (1), the Chief Engineer may, by order in writing,-

(a) require any person or commercial or industrial undertaking to adopt such measures, including construction, modification, extension or alteration of any disposal system, as may be specified therein for the prevention, control and abatement of existing or potential pollution of any waters;

(b) require any person or commercial or industrial undertaking to furnish such information as may be specified therein relating to wastes, sewerage system or treatment works in any land or building owned or occupied by such person or undertaking; and

(c) require any person or commercial or industrial undertaking to permit any officer named therein to enter upon, inspect and search any land or building owned or occupied by such person or

undertaking and to inspect and test any wastes, waters, plants, materials or disposal system found therein and to afford all reasonable opportunities to such officer for such inspection, search and test.

(3) The Chief Engineer may, by order in writing, delegate all or any of his powers under sub-section (2) to the Project Director, Water Pollution Control Project, who shall exercise the powers so delegated subject to the general control and supervision of the Chief Engineer.

7. **Obligation to comply with the order of the Chief Engineer.-** (1) Where the Chief Engineer makes any order in writing under sub-section (2) of section 6 requiring any person or commercial or industrial undertaking to adopt any measures for the prevention, control or abatement of pollution of any waters or to furnish any information or to permit any officer to enter upon, inspect or search any land or building and to inspect and test any wastes, waters, plant materials or disposal system such person or commercial or industrial undertaking shall, subject to the provision of sub-section (2) comply with such order.

(2) any person or commercial or industrial undertaking aggrieved by an order in writing made by the Chief Engineer under clause (a) of sub-section (2) of section 6 may, within one month from the date of the order, prefer an appeal against such order to the Board and the decision of the Board shall be final.

8. **Penalty and procedure.-** (1) Whoever fails or neglects to comply with any order of the Chief Engineer or, where an appeal is preferred under sub-section (2) of section 7, with the final decision thereon of the Board shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees or with both, and may, in addition, be punishable with a further fine which may extend to twenty rupees for every day of the period during which the failure or negligence continues.

(2) No court shall take cognizance of an offence under this Ordinance except on a report in writing of the facts constituting the offence made by the Chief Engineer or an officer authorised by him in this behalf.

9. **Offence by commercial or industrial undertakings.-** Where the person guilty of an offences under this Ordinance is a commercial or industrial undertaking, every owner, director, manager, secretary or other officer or agent thereof shall, unless he proves that he made all efforts and exercised all diligence to prevent the commission of the offence, be deemed to be guilty of such offence.

10. **Indemnity.-** No suit, prosecution or other legal proceedings shall lie against the Board, the Chief Engineer or any other person for anything which is in good faith done or intended to be done under this Ordinance.

11. **Power to make rules.-** The Provincial Government may make rules for carrying out the purposes of this Ordinance.