

LAWS AND POLICY FRAMEWORK TO PREVENT DRINKING WATER POLLUTION

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ABSTRACT: *With the growth of industrialization and urbanization, environmental pollution has become the major concern of the time. The legislature has passed various laws and policies to control the different kinds of pollution but still a lot of effort needs to be made to bring up a pollution free environment. The purpose of this research is to cover the various laws and policies to prevent drinking water pollution in the urban areas in India. It specifically covers The Water (Prevention and Control of pollution) Act, 1974 which is an act to preserve the wholesomeness of water; The Water (Prevention and Control of pollution) Cess act, 1977 which provides for levy of taxes on water to prevent pollution; The Environment Protection act, 1986 which covers all kinds of pollution as well as protection of environment. It also covers The National Water policy, 2002 which focuses on integrated water resource management and river basin management; The Uniform Drinking Water Quality Protocol, 2013 which focuses on drinking water quality; The Draft Guidelines for preparation of legislation for framing drinking water regulations, 2007 and The Cantonments Act, 2006 to ensure supply of drinking water in area declared as cantonment area.*

KEYWORDS: *Drinking water, pollution, Board, Authorities, Cantonments. Environment.*

1. INTRODUCTION

Access to a healthy environment is considered to be the prime concern of the state. Water is considered to be a very precious resource possessed by the country. Pollution of water is one of the severe issues which are being faced by the country in the current scenario. With the growth in industrialization and urbanization, the water pollution has increased to a huge level.

Approximately two-third of the earth surface that is 71% of the earth surface is covered with water. The rest 29% consists of continents and islands. Of the total amount of water present 96.5% of water is present in ocean and seas and is saline water. The remaining 3.5% is contained in fresh water lakes polar icecaps, glaciers and ice bergs. To be exact 69% of water is in the form of ice. The amount of water present in lakes, rivers, groundwater and streams which can be used for drinking account for only 0.7% which itself shows the precious nature water and the need to protect it.

Since the ancient times there existed many laws and policies to prevent water pollution. Even in the pre constitutional days, the Britishers passed certain laws like Northern India Canal and Drainage Act (1873), The Madhya Pradesh Irrigation Act 1931. The Government of India Act, 1935 empowered the provinces to take decisions on water supply, irrigation, canals, drainage and embankments, water storage and hydropower. The Indian Penal Code, 1860 in addition to penal provisions in other legislations, makes certain acts relating to water punishable offence. The (Indian) Easement Act, 1882 recognised customary institution of "easement". This institution provides right for beneficial enjoyment of one's immovable property. Easement includes, among other things, right to have access and use of water resources.¹ After Independence the parliament of India took a great effort in controlling water pollution and various laws and policies were being framed to control the pollution of water through numerous ways. Some of the laws and policies to prevent water pollution are as discussed as under:

2- THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974

The Water Act has been enacted with the objective of prevention & control of pollution in India. The Act aims at the maintaining or restoring the wholesome nature of water for the establishment of Boards and to vest them with such powers so as to enable them to carry out the purposes of the Act. It is followed by the Water (Prevention & Control of Pollution) Rules, 1975 and the Water (Prevention & Control of Pollution (Procedure for transaction of Business) Rules, 1975. The provisions of the Act shall have effect notwithstanding anything contained to the contrary in any other enactment. The salient features of the act are as follows:

1. Applicability of the act: It applies to the whole of the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal and the Union territories; and it shall apply to such other State which adopts this Act by resolution passed in that behalf under clause (1) of Article 252 of the Constitution.²

2. Constitution and function of central and state pollution control boards: This Act aims at establishment of Central and State Pollution Control Board at the central level and at state level for each state and giving powers to the members so that they can carry out the purposes of the Act.

The Central Government and State government shall by notification in the Official Gazette, constitute a Central Board and State Board to be called the Central Pollution Control Board and State Pollution Control Board to exercise the powers conferred on and perform the functions assigned to that Board under this Act, respectively.

The Central Board shall consist of a full-time chairman, who is a person having special knowledge or practical experience in respect of matters relating to environmental protection or in administering institutions dealing with the matters aforesaid, to be nominated by the

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¹ The (Indian) Easement Act, 1881

² Section 1(2), The water (Prevention and Control of pollution) Act, 1974

Central Government; five members to be nominated by the Central Government to represent it; five members to be nominated by the Central Government, from the members of the State Boards; three non-officials, to be nominated by the Central Government, to represent the interests of agriculture, fishery or industry or trade or any other interest; two persons to represent the companies or corporations owned, controlled or managed by the Central Government and a full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the Central Government.³

A State Board shall consist of a chairman who is a person having special knowledge or practical experience in respect of matters relating to environmental protection or in administering institutions dealing with it to be nominated by the State Government. He may be either whole-time or part-time; five officials, to be nominated by the State Government to represent it; five persons to be nominated by the State Government from the members of the local authorities; three non-officials, to be nominated by the State Government to represent the interests of agriculture, fishery or industry or trade or any other interest; two persons to represent the companies or corporations owned, controlled or managed by the State Government, to be nominated and a full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the State Government.⁴

The functions of the State Board are described as: to Plan a comprehensive programme for the prevention Control or abatement of pollution of streams and wells; to advise the State Government, to collect and disseminate information and to encourage, conduct and participate on any matters concerning the prevention, control or abatement of water pollution; to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents, to evolve economical and reliable methods of treatment and to review plans, specifications or other data relating to such plant setup.⁵

The main function of Central Board shall be to promote cleanliness of streams and wells in different areas of the state. It shall also advise the central government, coordinate the activities of the state boards and organise and plan training of persons engaged or to be engaged in prevention and control of water pollution. It shall also organise mass media comprehensive programme regarding prevention and control of water pollution

3. Power of the State board: The act gives various powers to be exercised by the state board in prevention and control of water pollution. The State Board or any officer authorized shall have the power to take samples of water from any stream or well and of any sewage or trade effluent passing from any plant or vessel or over any place into any such stream or well.⁶

Any person authorized by the Board shall have the right to enter at any time for the purpose of any functions entrusted by the Board for example to determine whether an order or direction is being complied with or for examining plant, premises or search and seizure which may furnish evidence of commission of an offence under the Act. Entry shall be at reasonable hours if the premises are used for residential purposes.⁷

It also lays down that no industry or operator process or any treatment and disposal system can be established without the previous consent of the State Board and no industry or process can discharge sewage or trade effluent into a stream or well or sewer or land in excess of the standards and without the consent of the Board.⁸

A Board may issue any directions in writing to any person, officer or authority, who shall be bound to comply with such directions. This includes the power to direct the closure, prohibition or regulation of any industry, operation or process; or the stoppage or regulation of supply of electricity, or water or any other service.⁹

4. Offences and Penalties: section 41 to 45 of the act deals with the various penalties to be imposed for the contravention of the different provisions of this act. Some of them are as follows:

Where any person knowingly cause or permit any poisonous, noxious or polluting mater to enter into any stream or sewer or on land or any other matter which may impede the flow of water of the stream leading to a substantial aggravation of pollution shall be punishable with imprisonment which shall not be less than one year and six months which any extend up to six years and with fine.¹⁰

If any person is again found guilty of an offence under the same provision, on the second and every subsequent conviction shall be punishable with imprisonment which shall not be less than one and a half years which may extend to six years and with fine.¹¹

Penalty for contravention of any provision of the Act for which no penalty has been provided elsewhere in this act, shall be punishable with imprisonment to three months or with fine which may extend to Rs. 10,000/- or with both. In continuing contravention of failure, an additional fine which may extend to Rs. 5000/- per day.¹²

5. Offences by companies and government departments: In case of companies every person who at the time the offence was committed was directly in charge of, and was responsible to the company for the conduct of the business of the company or any director, manager, secretary or other officer of the company In case of government departments, the Head of the Department and any other officer shall also be guilty if it is proved that the offence has been committed with their consent or his connivance or by any neglect on their part. He shall not liable if he proves that the offence was committed without the knowledge or that he exercised all due diligence to prevent the commission of such offence.¹³

³ Section 3, The Water(Prevention and Control of Pollution) Act, 1974

⁴ Section 3, The Water(Prevention and Control of Pollution) Act, 1974

⁵ Section 17, The Water(Prevention and Control of Pollution) Act, 1974

⁶ Section 21, The Water(Prevention and Control of Pollution) Act, 1974

⁷ Section 22, The Water(Prevention and Control of Pollution) Act, 1974

⁸ Section 25, The Water(Prevention and Control of Pollution) Act, 1974

⁹ Section 33-A, The Water(Prevention and Control of Pollution) Act, 1974

¹⁰ Section 43, The Water (Prevention and Control of Pollution) Act, 1974.

¹¹ Section 45, The Water (Prevention and Control of Pollution) Act, 1974.

¹² Section 45-A, The Water (Prevention and Control of Pollution) Act, 1974.

¹³ Section 47, The Water (Prevention and Control of Pollution) Act, 1974.

3- THE WATER (PREVENTION AND CONTROL OF POLLUTION) CESS ACT, 2003

1. Aim of the act: An Act to provide for the levy and collection of a cess on water consumed by persons carrying on certain industries and by local authorities, with a view to augment the resources of the Central Board and the State Boards for the prevention and control of water pollution constituted under the Water (Prevention and Control of Pollution) Act, 1974.

2. Applicability of the act: It extends to the whole of India except the State of Jammu and Kashmir and applies to all the States to which the Water (Prevention and Control of Pollution) Act, 1974 applies and the Union territories.

3. Levy of cess: The cess shall be payable by every person and local authority carrying on any specified industry; and shall be calculated on the basis of water consumed by such person or local authority, for any of the purposes specified.¹⁴

For the purpose of measuring and recording the quantity of water consumed, every person carrying on any specified industry and every local authority shall affix meters it shall be presumed that the quantity indicated by the meter has been consumed by such person or local authority, until the contrary is proved. Where any person or local authority fails to affix any meter the Central Government shall after giving notice to him, affix such meter and the cost of such meter together with the cost for affixing it may be recovered as an arrear of land revenue.¹⁵

Every person carrying on any specified industry and every local authority, liable to pay the cess, shall furnish such returns, in such form and at such intervals as may be prescribed. If he fails, notice shall be sent to him.

4. Penalty: If any amount of cess payable by any person carrying on any specified industry or any Local authority under section 3 is not paid to the State within the date specified, it shall be deemed to be in arrears and after conducting inquiry impose a penalty not exceeding the amount of cess in arrears, after giving him a reasonable opportunity of being heard.¹⁶

Whoever, liable to pay cess under this Act wilfully or intentionally evades or attempts to evade the payment of cess shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.¹⁷

No court shall take cognizance of an offence punishable under this section except on a complaint made by or under the authority of the Central Government.

If any person fails to pay any amount of cess payable under section 3 to the State government within the date specified he shall be liable to pay interest on the amount to be paid at the rate of two per cent for every month or part of month from the date on which such payment is due till such amount is actually paid.¹⁸

5. Offences by companies: 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 shall be deemed to be guilty of the offence but he shall not be liable if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the its commission.

Where it is proved that the offence has been committed with the consent or connivance or neglect of, any director, manager, secretary or other officer of the company, such person shall also be guilty of that offence.¹⁹

6. Appeals: Any person or local authority aggrieved by an order of assessment or by an order imposing penalty may, appeal to such authority which shall be accompanied by such fees as may be prescribed. The appellate authority shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible. Every order passed in appeal shall be final and shall not be called in question in any court of law.²⁰

4- THE ENVIRONMENT PROTECTION ACT, 1986

The Environment Protection Act was enacted under Art.253 of the Constitution of India. The preamble of the Act states that its purpose is to implement the decisions made at the United Nations Conference on Human Environment held at Stockholm in June 1972, in which India had actively participated. The term Environment include water, air land and the interrelationship between water , air, land and human being, other living creatures, micro organism, plants. It defines "environmental pollutant" as any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment.²¹

Under the Environment Act, the Central Government has been vested with the power to lay down standards for environmental quality in its various aspects and for emission or discharge of environmental pollutants from various sources having regard to their quality or composition. The Act prohibits a person carrying on any industry, operation or process from discharging or emitting water pollutants in excess of the prescribed standards. Where a discharge of a water pollutant in excess of the prescribed standards due to an accident or other unforeseen act or event, the person responsible for the discharge and in charge of the place are required to prevent or mitigate the resulting water pollution and to inform the prescribed authority of such an apprehension or actual occurrence. The prescribed authority is required to undertake the necessary remedial measures as early as practicable.

Some of the important features of the act are as follows:

1. The objective of the Environment Protection Act is much wider in comparison to other legislations such as water Act and Air Act. As they deal with prevention and control of specific kinds of pollution, the environment protection acts covers the aspect of prevention and control of all sorts of pollution. It also aims at protection and improvement of the Environment.
2. It prescribe for the restriction of the areas in which any industries, operations or processes or its class shall not be carried out or shall be carried out subject to certain safeguards.

¹⁴ Section 3, (The Water Prevention and Control Of pollution)Cess Act, 2003

¹⁵ Section 4, (The Water Prevention and Control Of pollution)Cess Act, 2003

¹⁶ Section 11, The Water(Prevention and Control Of pollution)Cess Act, 2003

¹⁷ Section 14, (The Water Prevention and Control Of pollution)Cess Act, 2003

¹⁸ Section 14, The Water (Prevention and Control Of pollution)Cess Act, 2003

¹⁹ Section 15, The Water (Prevention and Control Of pollution)Cess Act, 2003

²⁰ Section 13, The Water (Prevention and Control Of pollution)Cess Act, 2003

²¹ Section 2(b), The Environment (Protection)Act, 1986

3. It provides for inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution.
4. The Central Government have power to make rules and regulations for the protection and improvements of environment.
5. No person shall handle or cause to be handled any hazardous substance except in accordance with such procedure and after complying with such safeguards as prescribed.²²
6. Whoever fails to obey the rules of Environment Act 1986 shall be punishable with imprisonment up to five years or fine up to one lakh rupees or both. If the failure or contravention continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years and every person who operates any industry or handling hazardous processes shall render all assistance to the central government and if he fails he shall be guilty of the offence under this act.
7. This Act also authorises the Central Government to issue direction for the closure, prohibition or regulation of any industry, operation or process. It also authorises the Central Government to stop or regulate the supply of electricity or water or any other service directly without obtaining a court order.

5- THE NATIONAL WATER POLICY-2002

National Water Policy 2002 has graduated from the National Policy on Water 1987. The main change was the incorporation of the integrated water resource management and river basin management. It has been reviewed and updated in response to the number of new issues that have emerged over a period of time since its formulation in 1987. It states that water is the part of larger ecosystem, realizing the importance and the scarcity attached to fresh water it has to be treated as an essential component for the sustenance of life and that water is a scarce and precious natural resource and needs to be planned. Thus, it emphasizes developing management strategies for the conservation of water keeping in view the socio-economic aspects and the needs of the states. Ecology is given a rather low priority, but has been indirectly given recognition for its importance for the management of fresh water.

The policy states that the management of the quality of the environment and management of the ecological balance should be the primary consideration. It says that the detrimental environmental impacts of the access use of ground water extraction must be taken care of by the centre and the state government.²³

It talks about the coordination process for the implementation of the national water policy and about the integration of the water use and land use policies.²⁴

It takes into account the industries discharging the waste in to the water streams, rivers and other water bodies and says that effluents should be treated to acceptable levels of pollutants before discharging in to the main streams and that the minimum flow should be ensured to maintain the ecology keeping in view the social considerations.²⁵

The policy envisages that all the possible efforts should be made for developing projects to ensure water availability for tribal people and socially disadvantaged sections of the society. It also talks on the issue of seeking scientific and technical assistance for the water sector development and planning through public private partnership on need basis.²⁶

The preamble to the policy talks about the important principles on which the policy is based. The principal are- Commitment for an Integrated Water Resource Management and Development; Importance of environment related concerns; the importance of innovative techniques and better strategies resting on a strong science and technology base.

Section 2 lays importance on the need of a well – developed information system

Section 3 explains the principle that the available water resources should be converted into utilizable resources. It negates the need to maintain the balancing use of water to maintain environmental balance of the riverine, estuarine, and the coastal ecosystems.

Section 4 deals with the institutional mechanism for the Act. Concepts like operation and management (O&M) of better institutional mechanism has been brought into focus. The need for appropriate river basin organization for the planned development and management of rivers has been mentioned.

Section 6 is on project planning. It says that the planning of individual water projects would continue to be conducted by the government.

Section 11 deals with the financial sustainability. It says that the use for water should also take care for the operation and management charges and recover the capital costs.

Section 13 of the policy acknowledges that private sector participation may help in introducing innovative ideas, generating financial resources, and introducing corporate management along with accountability to users.

6- UNIFORM DRINKING WATER QUALITY MONITORING PROTOCOL, 2013

The Uniform Water quality Monitoring Protocol was notified in the year 2005, by the Ministry of Water resources following the provision made under the Environment (Protection) Act, 1986. This protocol focussed more on pollution aspect of water bodies and was not specific to drinking water quality. Therefore, a need was felt to prepare a Uniform Water quality Monitoring Protocol taking into consideration the alarming increase of the contamination whether through manmade or natural factors and their adverse impact on health.

The most effective means of ensuring safe drinking water is through the use of water safety plan which effectively utilizes water quality data in planning preventive and corrective actions. Its purpose is to describe various elements of laboratory management practices to ensure that the data generated is comparable, scientifically correct and in a form that can be used in implementing interventions to improve water quality. It also includes details on water quality testing laboratory, infrastructure and staff requirements.²⁷

²² Section 8, The Environment (Protection) Act, 1986.

²³ National Water Policy 2002 ,Para 6.5

²⁴ National Water Policy 2002 ,Para 7.3

²⁵ National Water Policy 2002 ,Para 9.2

²⁶ National Water Policy 2002 ,Para 14

²⁷ <http://www.mdws.gov.in/sites/default/files/UniformDrinkingWaterQualityMonitoringProtocol.pdf> Visited On April 12,2018.

It signifies need for setting-up laboratories at State, District and Sub-district level as well as quality control for regular testing and surveillance of drinking water sources. It is also proposed in the protocol to apply water safety plan so as to utilize water quality data for continuously improving water quality.²⁸

The State-level Water Quality Review Committee constituted as per the notification of Water Quality Assessment Authority shall monitor the action taken by the State and Central Pollution Control Board on abatement of pollution of drinking water sources. The action taken report shall be submitted to the State Water and Sanitation Mission and Public Health Engineering Department periodically under intimation to the Ministry of Drinking Water and Sanitation, Government of India.²⁹

7- DRAFT GUIDELINES FOR PREPARATION OF LEGISLATION FOR FRAMING DRINKING WATER REGULATIONS, 2007

The Drinking Water Regulation means a regulation which applies to public water systems; specifies contaminants which may have any adverse effect on the health of consumers; specifies for each such contaminants either a maximum desirable limit or maximum permissible limit; contains criteria and procedure to assure a supply of drinking water which dependably complies with the maximum contaminant levels, including the accepted method for quality control, water quality monitoring and surveillance, source protection, water conservation, risk assessment, operation and maintenance, community participation and sustainability.³⁰

Purpose: The purpose of the Regulation is to protect human health from deleterious effects resulting from any contamination of drinking water. This objective is to be achieved by means of detailed requirements in regard to Drinking Water – Specification, and indicator parameter values, monitoring and surveillance to determine compliance with the Indian Standards. It applies to drinking water supplied by different department of State and Central Government, and to water supplied by Non Government or Private Agencies for human consumption in any place of the country and to drinking water supplied during disasters and emergencies through any means. The agencies entrusted with the implementation of the Regulation shall be 'Drinking Water Supply Regulatory Authority' and to be set up at National and State level. The Government under the Regulation shall appoint, constitute by notification in the Official Gazette, Central and State Drinking Water Supply Regulatory Authority to exercise the powers conferred on and perform the functions assigned to it under this Regulation. The organisations responsible for supply of drinking water shall be termed as Water Supply Agency.³¹

Duties of Drinking Water Supply Regulatory Authorities:

It is the duty of the State Drinking Water Supply Regulatory Authorities, to take the necessary measures to ensure that water intended for human consumption is wholesome and clean and meets the requirements of the Regulations. Water shall be regarded as wholesome and clean if it is free from any micro-organisms and parasites and from any substances which in numbers or concentrations constitute a potential danger to public health, and it meets the quality standards specified in Indian Standard for drinking water.

The Agency must ensure that appropriate measure are taken to reduce or eliminate the risk of noncompliance with the parametric values, such as directing, advising property owners, occupiers of any possible remedial action which could be taken by them, or other measures, such as appropriate treatment techniques are taken to upgrade the quality of the water before it is supplied so as to reduce or eliminate the risk of the water not complying with the parametric values after supply, and to inform and advise of any possible additional remedial action that should be taken by them.³²

Water Treatment Options: The Water Supply Agencies should adopt a quality management system approach to the management, operation and maintenance of water treatment works. As part of a quality management system, water supply agencies should have written procedures that set out how each part of the process and other related matters are to be operated and maintained at each treatment works so that the water leaving the treatment works meets the drinking water quality standards and other requirements of the Regulations. Operators should be fully trained in each part of the process that they are expected to operate.

It shall take all necessary measures to ensure that no substances used in the treatment of water remain in concentration higher than is necessary for the purpose of use and that they do not directly or indirectly reduce the protection of public health provided for in the Regulations. It also requires a water supply agency to verify the efficiency of disinfection, where disinfection is practiced, and ensure that concentration of disinfection by products is kept as low as possible and that residual effect of disinfectants at consumer points remains within the maximum desirable limit without compromising disinfection.

The water treatment works as mentioned above are applicable to all types of surface water treatment units, ground water treatment units including only disinfection.³³

8- CANTONMENTS ACT, 2006

Cantonment refers to the quarters of the military personnel or police force. It is found in different nations including India. In India the cantonments stretch over the northern, western and eastern regions which are renewed and enlarged with modern facilities of warfare, training equipments etc. The Parliament has enacted The Cantonments Act, 2006 on September 13, 2006 to administer and manage cantonments for the purpose of conveying better democratization and to maintain financial stability for the progression of the cantonments.

1. Object and applicability: It is an act to consolidate and amend the law relating to the administration of cantonments with a view to impart greater democratisation, improvement of their financial base to make provisions for developmental activities. It extends to the whole of India.

2. Determination of cantonment area: The Central Government shall affirm any areas with borders as cantonment where the quarters of the force is situated by notifying in the Gazette of India and may also announce a cantonment shall be closed down or prescribe the confines

²⁸ <http://www.indiawaterportal.org/articles/uniform-drinking-water-quality-monitoring-protocol-document-ministry-drinking-water-and> , visited on April 13, 2018

²⁹ <http://www.mdws.gov.in/sites/default/files/UniformDrinkingWaterQualityMonitoringProtocol.pdf> , Visited on April 13, 2018

³⁰ <http://www.ielrc.org/content/e0714.pdf> , Visited on April 13, 2018.

³¹ <http://www.ielrc.org/content/e0714.pdf> , Visited on April 13, 2018.

³² <http://www.ielrc.org/content/e0714.pdf> , Visited on April 13, 2018.

³³ <http://www.ielrc.org/content/e0714.pdf> , Visited on April 13, 2018.

of such cantonment by notification. Where an area is decided to be a cantonment, the Central government shall establish a Board as provided under the Act. Until the Board is established the functions of the Board shall be performed by the Central government.³⁴

The Central Government is also empowered to exempt any part of the cantonment from the purview of the Act.³⁵

3. Establishment of Cantonment Board: It grants for the establishment of Cantonment Board which shall be considered as a municipality according to Article 243 P (e) of the Constitution of India. While acting as the municipality, the Board shall have power to collect funds and allocations and execute the policies and schemes of the Union relating to social wellbeing, public health, cleanliness, supply of water, education, security etc. The Central Government is also bestowed authority to vary the cantonment board due to military operations or for the effective administration of the Board. The Board shall consist of President and Vice President to perform the functions and responsibilities provided under the Act. Each cantonment shall have a Chief Executive Officer who is appointed by the Central government.³⁶

2. Duties and Discretionary functions of Boards: Chapter IV i.e. Section 62 to 65 of the act deals with this.

It shall be the duty of every board, to make reasonable provision within the cantonment for: constructing, altering and maintaining streets, culverts, bridges, causeways, markets, slaughter- houses, latrines, privies, urinals, drains, drainage works and sewerage works and regulating their use; providing or arranging for a sufficient supply of potable water, where such supply does not exist, guarding from pollution water used for human consumption, and preventing polluted water from being so used.³⁷

The board also has power to manage any property entrusted to its management by the Central Government on such terms as to the sharing of rents and profits accruing from such property as may be determined by rule made under section 346.³⁸

The discretionary function of the board are that the board may make provision for: constituting, maintaining and managing supply and distribution of electricity, including by exploiting non- conventional energy sources, to public and private premises; establishing and managing chemical or bacteriological laboratories for the examination or analysis of water, food and drugs for the detection of diseases or research connected with the public health or medical relief.³⁹

5. Maintenance of Water Supply: In every cantonment where a sufficient supply of potable water for domestic use does not exist, the Board shall provide or arrange for such a supply. It shall make sure that such supply shall be continuous throughout the year, and that the water shall be at all times fit for human consumption. It shall be the duty of every Board to practise and propagate the scientific methods of water harvesting including harvesting of rain water for use and make arrangement for recharging the sources of ground water including underground aquifers and to preserve rivers, streams, springs and other natural sources of water within and in the vicinity of the cantonment.⁴⁰

6. Control over Sources of Public Water Supply: The Board may, with the previous sanction of the Central Government, by public notice, declare any lake, stream, spring, well, tank, reservoir or other source, whether within or without the limits of the cantonment other than a source of water- supply under the control and in use of the Military Engineer Services or the Public Works Department from which water is or may be made available for the use of the public in the cantonment to be source of public water- supply.⁴¹

8. Supply of water: The Chief Executive Officer may permit the owner, lessee or occupier of any building or land to connect the building or land with a source of public water- supply by means of communication pipes of such size and description as may be specified for the purpose of obtaining water for domestic use and the occupier shall be entitled to have for domestic use, in return for the water tax, such quantity of water as it may determine. It shall not include any supply for animals or for washing vehicles where such animals or vehicle are kept for sale or hire; any trade, manufacture or business; fountains, swimming baths or any ornamental or mechanical purpose; gardens or for purposes of irrigation; making or watering roads or paths; or building purposes.⁴²

10. Penalty: Whoever uses for other than domestic purposes any water supplied by a Board for domestic use; or where water is supplied by agreement with a Board for a specified purpose, uses that water for any other purposes shall be punishable with fine which may extend to two thousand five hundred rupees, and in addition, the Board shall be entitled to recover from him the cost of the water misused.⁴³

CONCLUSION:

Thus, in order to prevent the drinking water pollution, the legislature has passed many effective laws and policies which are working towards bringing a pollution free environment. Even, the judiciary has been playing an important role and has evolved various principles like polluter pays, absolute liability, sustainable development which is effectively punishing the polluter and ensuring less pollution of environment. Apart from these, we as the citizen of India has duty to ensure that we live in a pollution free environment and effort of individual is very necessary to combat pollution and protect environment.

³⁴ Section 3, The Cantonments Act,2006(41 of 2006)

³⁵ Section 4, The Cantonments Act,2006(41 of 2006)

³⁶ Section 10, The Cantonments Act,2006(41 of 2006)

³⁷ Section 62, The Cantonments Act,2006(41 of 2006)

³⁸ Section 63, The Cantonments Act,2006(41 of 2006)

³⁹ Section 64, The Cantonments Act,2006(41 of 2006)

⁴⁰ Section 186, The Cantonments Act,2006(41 of 2006)

⁴¹ Section 189, The Cantonments Act,2006(41 of 2006)

⁴² Section 191, The Cantonments Act, 2006(41 of 2006)

⁴³ Section 197, The cantonments act, 2006(41 of 2006)