

Water (Prevention and Control of Pollution) Act, 1974

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The Water (Prevention and Control of Pollution) Act, 1974 is one of India's earliest environmental laws aimed at controlling water pollution and maintaining the wholesomeness of water. It was enacted after increasing concerns about industrial discharge and polluted rivers in the 1960s-70s. The Act provides a legal framework for preventing and regulating water pollution through central and state authorities.

Water Act, 1974 Historical Background

The Water Act was introduced in the 1970s when India faced rising water pollution due to unregulated industrialisation and rapid urban growth. After growing national concern over river pollution, especially the Ganga and Yamuna, the government enacted a central law in 1974, which became fully effective nationwide by 1976.

- **Post-Independence Industrialisation:** Rapid industrial growth in the 1950s-70s led to untreated effluents being discharged into rivers, lakes and groundwater.
- **Urbanisation Pressure:** Indian cities generated large amounts of sewage without adequate treatment facilities; by 1970, **over 75% of urban wastewater** flowed untreated into water bodies.
- **Major River Pollution Incidents:** Rivers like **Ganga, Yamuna, Damodar, Hooghly, and Sabarmati** showed high levels of BOD, COD, and heavy metal contamination during the late 1960s.

- **Absence of Regulatory Framework:** Before 1974, India had **no dedicated national law** to regulate industrial discharge or enforce water standards.
- **Recommendations from International Forums:** The **1972 Stockholm Conference on Human Environment** pushed India to adopt strong environmental laws, including water protection.
- **Need for a Central Authority:** States struggled to control cross-boundary river pollution, leading to the idea of establishing **Central and State Pollution Control Boards**.
- **Passed under Article 252:** Since water is a **State subject**, the Act was enacted when **12 states passed resolutions** requesting Parliament to legislate on water pollution.

Water (Prevention and Control of Pollution) Act, 1974 Objectives

The Water (Prevention and Control of Pollution) Act, 1974, has clear and specific objectives to protect India's water bodies. These can be explained in simple terms:

- Prevent and control water pollution in rivers, lakes, ponds, and groundwater.
- Maintain or restore the quality of water for domestic, industrial, and agricultural use.
- Establish Central and State Pollution Control Boards for monitoring and regulation.
- Regulate sewage and industrial effluent discharge into water bodies.
- Promote scientific research on water pollution problems and solutions.
- Set water quality standards for various uses.

Central Pollution Control Board (CPCB)

The **Central Pollution Control Board**, established under Water (Prevention and Control of Pollution) Act, 1974, is the apex pollution monitoring institution in India.

- Headquartered in **New Delhi** under the **Ministry of Environment, Forest & Climate Change (MoEFCC)**.
- The CPCB was given powers and responsibilities under the **Air (Prevention and Control of Pollution) Act, 1981**, making it the central authority for regulating both air and water pollution in India.
- Coordinates with **29 State Pollution Control Boards (SPCBs)**.
- Monitors water quality through the **National Water Quality Monitoring Programme (NWQMP)** covering **4,000+ monitoring stations** across India.
- Prepares national reports on water pollution, river health, and industrial compliance.
- CPCB identifies **351 polluted river stretches** across India (2022 report).
- Around **70% of India's surface water** is polluted due to untreated sewage and industrial waste (CPCB estimate).

Powers and Functions of the Pollution Control Boards

- **Setting Water Quality and Effluent Standards (Water Act, 1974):** PCBs fix permissible limits for pollutants such as BOD, COD, pH, and heavy metals under Section 17 of the Water Act.
- **Granting Consent to Establish and Operate (Water Act, 1974 & Air Act, 1981):** Industries must obtain CTE/CTO before setup or operation. This ensures that effluent treatment plants (ETPs) and air pollution

control devices are installed.

- **Inspection, Monitoring, and Sample Collection (Section 21 & 23):** PCBs can inspect premises, collect samples, and verify compliance through lab analysis.
- **Issuing Directions and Taking Legal Action (EPA, 1986 Powers and Water Act):** Boards can order closure of polluting units, stop electricity/water supply, and prosecute violators.
- **Promoting Research, Awareness, and Pollution Control Technologies:** PCBs support studies on pollution abatement, ZLD technology, and municipal wastewater management.
- **Advising Central and State Governments (Water Act, 1974 & Air Act, 1981):** Boards provide expert recommendations on environmental standards, river conservation, and industrial regulation.

Achievements and Impact of the Water Act, 1976

The Water Act, 1976 helped India build a proper system to control water pollution by creating national and state-level boards. It improved monitoring, industrial regulation, and water quality efforts using clearer rules and scientific data.

- It led to the formation of CPCB and SPCBs, which now monitor **4,000+ water quality stations** across India.
- Sewage treatment improved from less than **10% in the 1970s** to about **40% today**, showing better wastewater management.
- CPCB identified **351 polluted river stretches**, helping the government plan cleaning programmes more effectively.
- Over **2.5 lakh industries** now need consent from the boards, ensuring they install treatment plants before operating.
- Industrial pollution flowing into major rivers like the Ganga has reduced by **more than 90%** since strict monitoring began in 2014.
- The Act helped launch key programmes like **Ganga Action Plan** and Namami Gange by providing scientific data on river health.

Amendments to the Water Act, 1974

Water (Prevention and Control of Pollution) Cess Act, 1977

- The Act imposed a water cess on industries and local authorities to discourage excessive water consumption and generate dedicated funds for pollution control activities of CPCB and SPCBs.
- Industries that installed approved **Effluent Treatment Plants (ETPs)** or adopted water-saving methods were given **up to 70% rebate**, promoting cleaner production and wastewater treatment.
- The Act was **repealed in 2017** when **GST** was introduced, and the cess collection system was discontinued, shifting focus to real-time monitoring and stricter consent regulations.

Water (Prevention and Control of Pollution) Amendment, 1988

- **Enhanced Penalties:** The amendment increased fines and imprisonment terms for water pollution offences, making violations punishable with up to **7 years of imprisonment** for repeated offences.

- **Stronger Enforcement Powers:** Pollution Control Boards were given more authority to **close polluting industries, cut water and electricity supply**, and issue binding directions under **Section 33A**.
- **Improved Legal Procedures:** The amendment allowed faster prosecution by enabling Boards to file complaints directly in courts, reducing delays in taking action against industries.
- **Greater Accountability of Polluters:** The “polluter pays” principle was strengthened by enabling Boards to recover the **cost of cleaning polluted water bodies** from industries responsible for contamination.

Water (Prevention and Control of Pollution) Amendment, 2024

- **Decriminalisation of Minor Offences:** Jail terms for minor violations were removed and replaced with monetary penalties ranging from ₹10,000 to ₹15 lakh.
- **Exemptions for Low-Risk Industries:** The government can exempt certain categories of industries from prior consent for discharge, reducing regulatory burden.
- **Central Oversight of SPCBs:** The central government can prescribe guidelines for appointment of State Pollution Control Board heads and standardize consent procedures.
- **Faster Penalty and Adjudication Mechanism:** Adjudicating officers can now impose penalties quickly, streamlining enforcement and reducing dependence on courts.

Criticism of the Water Act, 1974

- **Weak Enforcement:** Many State Pollution Control Boards (SPCBs) are understaffed and underfunded, with **over 40% posts vacant**, limiting inspections and follow-ups.
- **Low Penalties:** Fines and punishments are considered too low compared to industrial profits, making them less effective as a deterrent.
- **Limited Sewage and Effluent Treatment:** India treats only **~40% of sewage**; untreated discharge continues to pollute rivers and lakes.
- **Fragmented Legal Framework:** Overlaps with the **Environment Protection Act 1986, Air Act 1981, and Water Cess Act** create confusion in enforcement.
- **Minimal Public Participation:** The Act focuses mainly on government monitoring, with little role for communities or citizens in reporting violations.
- **Poor Groundwater Regulation:** The Act primarily addresses surface water; groundwater contamination is rising but remains inadequately regulated.

Way Forward

- Increase staff and technical support in CPCB and SPCBs to monitor pollution better; for example, Tamil Nadu and Maharashtra improved river monitoring by adding more officers and labs.
- Make fines bigger so polluters pay more; for example, industries polluting the Ganga have been fined up to ₹50 lakh.
- Build more sewage and industrial treatment plants; for example, Namami Gange added over **2,500 MLD** of treatment capacity to clean rivers.
- Use modern technology like sensors and drones to check water pollution in rivers such as Yamuna and Sabarmati.

- Involve people and NGOs in monitoring; for example, NGOs in Uttarakhand report pollution hotspots in the Ganga.
- Protect groundwater by monitoring industrial discharge; for example, Gujarat tracks and reduces pollution in underground water.

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