

# THE AIR (PREVENTION AND CONTROL OF POLLUTION) (MANNER OF HOLDING INQUIRY AND IMPOSITION OF PENALTY) RULES, 2024<sup>1</sup>

*In exercise of the powers conferred by clause (h) of sub-section (1) of section 53 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), the Central Government hereby makes the following rules, namely:—*

**1. Short title and commencement.**—(1) These rules may be called the Air (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024.

(2) They shall come into force on the date<sup>2</sup> of their publication in the Official Gazette.

**2. Definitions.**—(1) In these rules, unless the context otherwise requires,—

(a) "Act" means the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);

(b) "adjudicating officer" means an officer appointed under section 39A of the Act;

(c) "Form" means a Form appended to these rules.

(2) The words and expressions used in these rules and not defined, but defined in the Act, shall have the same meanings respectively assigned to them in the Act.

**3. Complaint.**—The Central Pollution Control Board, the Commission for Air Quality Management in National Capital Region and Adjoining Areas, State Pollution Control Boards, Pollution Control Committees and Integrated Regional Offices of the Ministry of Environment, Forest and Climate Change, in their respective jurisdictions, through their authorized Officers, or any other persons, may file a complaint in Form-I through electronic means or speed post or by hand to the adjudicating officer regarding any contravention committed under sections 37, 38, 38A and section 39 of the Act.

**4. Holding of Inquiry.**—(1) For the purpose of adjudication under section 39A of the Act whether any person has committed any contravention as specified in that section, the adjudicating officer within thirty days from the date of receipt of the complaint shall, issue a notice in Form-II to such person requiring him to show cause within such period as may be specified in the notice (being not less than fifteen days from the date of service thereof) why an inquiry should not be held against him.

(2) Every notice under sub-rule (1) shall indicate the nature of contravention alleged to have been committed.

1. Vide G.S.R. 701(E), dated 12th November, 2024, Published in the Gazette of India, Extra., Pt. II, Sec. 3(i), No. 642, dated 12th November, 2024.

2. Came into force on 12-11-2024.

(3) After considering the cause, if any, shown by such person, the adjudicating officer is of the opinion that an inquiry should be held, he shall issue a notice requiring the appearance of that person personally or through a legal representative duly authorised by him on such date as may be fixed in the notice.

(4) On the date fixed, the adjudicating officer shall explain to the person proceeded against or his authorised legal representative, the contravention, committed by such person and the provision of the Act, in respect of which contravention is alleged to have been committed.

(5) The adjudicating officer shall, then, give an opportunity to such person to produce such documents or evidence under Form-III as he may consider relevant to the inquiry and if necessary, the hearing may be adjourned to a future date and in taking such evidence the adjudicating officer shall not be bound to observe the provisions of the Bhartiya Sakshya Adhiniyam, 2023 (47 of 2023).

(6) While holding an inquiry under this rule, the adjudicating officer may require and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer may be useful for or relevant to the subject matter of the inquiry.

(7) If any person fails, neglects or refuses to appear as required under sub-rule (3) before the adjudicating officer, the adjudicating officer may proceed with the inquiry in the absence of such person after recording the reasons for doing so.

(8) If, upon consideration of the evidence produced before the adjudicating officer, the adjudicating officer is satisfied that the person has committed the contravention, he may by order in writing, impose such penalty under the Act as he considers reasonable.

(9) Every order made under sub-rule (8) shall specify the provision of the Act in respect of which contravention has been committed and shall contain the reasons for imposing the penalty.

(10) A copy of the order made under this rule and all other copies of proceedings shall be supplied free of cost to the complainant and the person against whom the inquiry was held.

(11) The adjudicating officer shall complete the proceeding within six months from the issuance of the notice to the opposite party.

(12) A notice or an order issued under these rules shall be served on the person against whom an inquiry is held, in any of the following manner,-

(i) by delivering or tendering it to that person or his authorised representative; or

(ii) by sending it to the person through electronic means or by registered post or speed post to the address of his place of residence or his last known place of residence or the place where he carried on or last carried on, business or personally works or last worked for gain; or



- (iii) if it cannot be served in the manner specified under clauses (i) or (ii), by affixing it on the outer door or some other conspicuous part of the premises in which that person resides or is known to have last resided or carried on business or personally works or has worked for gain.

**5. Transfer of complaint.**—(1) If the adjudicating officer is of the view or it is made to appear that he does not have jurisdiction to entertain any complaint under these rules, he shall transfer the matter to the adjudicating officer concerned within fifteen days of the receipt of such complaint or information made to him after reasons to be recorded in writing.

(2) The adjudicating officer to whom such case is transferred shall proceed with the inquiry from the stage it is transferred to him.

**6. Extension of time.**—The adjudicating officer may, for reasons to be recorded in writing, where there is a reasonable cause for the delay or failure to act, extend any period specified in these rules till such period as he considers reasonable.

**7. Order and penalties.**—(1) Every order under these rules, shall be dated, signed and communicated to all the parties.

(2) All sums realised by way of penalties under these rules shall be credited to the Environment Protection Fund established under section 16 of the Act.

## FORM I

(see rule 3)

To,

The Adjudication Officer

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1. Particular of complainant:—

(a) Name:

(b) Address for service:

(c) Contact No:

(d) Email (for service):

2. Particulars of complaint:—

(a) Date, time and instance of commission of the alleged contravention:

(b) Statement of contravention setting out all relevant material particulars:

(c) Evidence in support of the statement:

(d) Tentative amount of damage (in pecuniary terms) with cost break-up.

I/We....., the complainant.....herein declare that the facts stated herein are correct to the best of my/our knowledge.

3. Name and Signature of the Complainant:

Note.—Strike out whichever is not applicable.

### FORM-II

[See sub-rule (1) of rule 4]

To

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### SHOW CAUSE NOTICE

Sub: Contravention of the Air (Prevention and Control of Pollution) Act, 1981.

Sir/Madam,

As per the complaint received in Form-I dated \_\_\_\_\_(copy enclosed), contravention has been committed under section \_\_\_\_\_ of the Air (Prevention and Control of Pollution) Act, 1981 in .....  
.....

2. The above contravention is liable for penalty. Therefore, you are required to show cause within a period of ----- days of service of this notice, why an inquiry should not be initiated against you under the Air (Prevention and Control of Pollution) Act, 1981 for imposition of penalty. In case, no reply is received within the given period, the further action shall be taken under the Act.

Adjudicating Officer  
(Name and seal of the office)

**FORM-III****FURNISHING OF DOCUMENT OR EVIDENCE BY  
OR ON BEHALF OF THE CONTRAVENER**

[see sub-rule (5) of rule 4]

To

Adjudication Officer

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.....

I/We,.....  
 .....hereby give a counter statement to the complaint  
 made in Form-I

The grounds in which the counter statement is made are as follows:—

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Complete address including postal index number/ .....  
 code and state along with mobile number and e-mail

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Signature of the contravener or

.....

his authorised representative:

.....

Name of the person along with

.....

mobile number who has signed.

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