

**THE MAHARASHTRA PREVENTION OF WATER POLLUTION (REPEAL) ACT, 1981**

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CONTENTS

PREAMBLE.

SECTIONS.

1. Short title.
2. Definitions.
3. Repeal of Mah. XVI of 1970 and dissolution of Board constituted thereunder.
4. Savings.



**MAHARASHTRA ACT NO. XXXI OF 1981<sup>1</sup>**

[THE MAHARASHTRA PREVENTION OF WATER POLLUTION (REPEAL) ACT, 1981.]

[This Act received the assent of the President on the 22<sup>nd</sup> May 1981; assent was first published, in the *Maharashtra Government Gazette*, Part IV, on the 25<sup>th</sup> May 1981.]

**An Act to repeal the Maharashtra Prevention of Water Pollution Act, 1969.**

WHEREAS the State Legislature has enacted the Maharashtra Prevention of Water Pollution Act, 1969 (Mah. XVI of 1970) ;

AND WHEREAS Parliament has thereafter enacted the Water (Prevention and Control of Pollution) Act, 1974 (VI of 1974), and the water (Prevention and Control of Pollution) Amendment Act, 1978 (XLIV of 1978), but these Central Acts apply only to those States, which have adopted them by resolutions passed in that behalf by their State Legislature in pursuance of article 252 of the Constitution of India ;

AND WHEREAS Parliament has also enacted the Water (Prevention and Control of Pollution) Cess Act, 1977 (XXXVI of 1977), for the levy of a cess on water consumed by persons carrying on certain industries and by local authorities, to augment the resources, *inter alia*, of the State Boards, but this Act applies only to the States to which the Water (Prevention and Control of Pollution) Act, 1974 (VI of 1974), applies ;

AND WHEREAS it is considered desirable and expedient to adopt the Water (Prevention and Control of Pollution) Act, 1974 (VI of 1974), and the Water (Prevention and Control of Pollution) Amendment Act, 1978 (XLIV of 1978), for the State of Maharashtra also by resolution passed in that behalf by both Houses of the State Legislature and to repeal the Maharashtra Prevention of Water Pollution Act, 1969 (Mah. XVI of 1970), subject to certain saving provisions hereinafter appearing; It is hereby enacted in the Thirty-second Year of the Republic of India as follows :—

**1. Short title.**— This Act may be called the Maharashtra Prevention of Water Pollution (Repeal) Act, 1981.

**2. Definitions.**— In this Act, unless the context otherwise requires,—

(a) “appointed day” means the date specified in the resolution passed by both Houses of the State Legislature under the article 252 of the Constitution of India as the date of the adoption of the Central Acts for application to the State of Maharashtra ;

(b) “the Central Acts” means the Water (Prevention and Control of Pollution) Act, 1974 (VI of 1974), and the Water (Prevention and Control of Pollution) Amendment Act, 1978 (XLIV of 1978) ;

(c) “the Maharashtra Act” means the Maharashtra Prevention of Water Pollution Act, 1969 (Mah. XVI of 1970).

**3. Repeal of Mah. XVI of 1970 and dissolution of Board constituted thereunder.**— On the appointed day, the Maharashtra Act shall stand repealed, and the Board constituted thereunder shall stand dissolved.

**4. Savings.**— (1) Notwithstanding the repeal of the Maharashtra Act, by this Act, anything done or any action taken and in force under the Act so repealed immediately before the appointed day shall, unless it is inconsistent with the provisions of the Central Acts, continue to be in force on and after the appointed day, unless and until modified or superseded by any authority under the Central Acts competent to do so.

(2) Every person who immediately before the appointed day is serving under the Board constituted under the Maharashtra Act shall be deemed to have been allotted, on the appointed day, to

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<sup>1</sup> For Statement of Objects and Reasons of the L. C. Bill No. XIII of 1981, see *Maharashtra Government Gazette*, 1981, Extraordinary, Part V, dated 15<sup>th</sup> April 1981, page 302.

serve under the State Board constituted in accordance with the provisions of the Central Acts, on the same terms and conditions, until they are duly varied by the State Board or other competent authority under the Central Acts.

(3) All properties, moveable and immoveable, and the interests of whatsoever nature and kind therein, which vested in the Board constituted under the Maharashtra Act immediately before the appointed day shall, or the appointed day, stand transferred to, and vest in, the Board constituted under the Central Acts, subject to all limitations and conditions and rights or interests of any person, body or authority in force or subsisting immediately before the appointed day.

(4) Save as otherwise provided, the provisions of section 7 of the Bombay General Clauses Act, 1904 (Bom. I of 1904), with regard to effect of repeal, shall apply.