

The background of the cover is a photograph of a forest path. The path is narrow and unpaved, leading from the foreground into the distance. The trees are tall and thin, with bare branches, suggesting a late autumn or winter setting. The lighting is dramatic, with a bright, ethereal glow at the end of the path, creating a sense of mystery and depth. The overall color palette is dark, with shades of green, brown, and black, punctuated by the bright light at the end of the path.

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### Administrative mechanism, powers and functions of Pollution Control Boards

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#### Abstract

Pollution is a common word in now days. People are adjusting themselves in the polluted environment because of having no other option. In the same polluted world, people are also expanding themselves under the ambit of development and putting their hands into the increase of pollution. For the latter case, there are several statutes; committees have been designed in the system to make a balance between development and environment to work for inter-generation equity.<sup>201</sup> Pollution control board is one of the boards which is designed to check upon these later cases closely. It is a statutory body and have both central and state level jurisdiction.

The main theme of this paper deals with the administration and functioning of Pollution Control Board. How the Board is working, how the court are working over the pollution control board's decisions and what implications and results it is having in the whole environmental system has been checked in this paper adding upon the recommendations.

The paper has been divided into two broad parts. First part specifically deals with the powers and functions of the Pollution control board determining their powers and functions

<sup>201</sup> K.I. Vibhute, *Environment, Present and Future Generations: Inter-Generational Equity, Justice and Responsibility* 38 JILI 65-73 (1998)

and analysing the same with the help of several case laws. The second part is a broad analysis of the working of pollution control board in accordance with the statute and the problems in the practical world. This part also includes some recommendations based on the committee reports and practical problems in the country.

**Analysis of Powers of Pollution Control Board**  
Pollution control boards are the statutory body deriving their existence from the air and water prevention and control acts. There are numerous powers and functions assigned for these boards with an objective to control environment pollution. Some of the power and functions of the pollution control board have been analyzed below with the help of some case laws.

#### **Imposing restrictions on New Outlets -**

The court made it plain that the ban under section 25 of the Act<sup>202</sup> extends even to freshly opening industries that are in the process of being set up in the case of *M.V. Nayudu v. Andhra Pradesh Pollution Control Board*<sup>203</sup>, Therefore, before taking any action to start an industry, authorisation from the Pollution Control Board must be requested.<sup>204</sup>

The Court determined that the financial capability of the industrial effluents is not a relevant factor for ordering them to put up primary treatment plants in *M.C. Mehta v. Union of India*<sup>205</sup>, The State Pollution Control Board will not permit a tannery to operate if it is unable to construct a primary treatment plant.<sup>206</sup>

In the case of *Narula Dying & Printing Works v. Union of India*<sup>207</sup>, the court determined that a consent order issued by the Pollution Control Board pursuant to section 25 (2) of the act<sup>208</sup>

<sup>202</sup> Water (Prevention and Control of Pollution) Act, 1974, Acts of Parliament, 1974 (India)

<sup>203</sup> *M.V. Nayudu v. Andhra Pradesh Pollution Control Board*, (2001) 2 SCC 62.

<sup>204</sup> *Id*

<sup>205</sup> *M.C. Mehta v. Union of India* AIR (1988) SC 1037

<sup>206</sup> *Id*

<sup>207</sup> *Narula Dying and Printing Works v. Union of India*, AIR (1995) Guj 185

<sup>208</sup> Water (Prevention and Control of Pollution) Act, 1974, Acts of Parliament, 1974 (India)

does not grant an industrial unit the right to discharge trade pollutants into a stream and that the industrial unit must adhere to the conditions outlined in the consent order and construct effluent treatment plants within the timeframe stipulated in the consent order.<sup>209</sup>

#### **Refuse or Withdraw consent -**

Under section 27<sup>210</sup>, The State Pollution Control Board is not required to give its approval for the development of any industry, operation, process, etc. that does not meet all of the requirements set forth by the Board. The Pollution Control Board has the authority to periodically evaluate any condition and to revoke any such condition, or to demand that the person who received the consent is granted make a reasonable modification of the condition.

In *Mahavir Soap and Godakhu Factory v. Union of India*<sup>211</sup> case, The State Pollution Control Board denied permission for industry to continue on the grounds that the factory was close to a population centre and that there had been a public outcry. The State Pollution Control Board's justifications were found to be consistent with the act's<sup>212</sup> intended purpose. The State Pollution Control Board has the power to refuse, according to the Court's further ruling. Hence, some discretionary powers of the pollution control board have been highlighted by the court in this case.<sup>213</sup>

#### **Restraining apprehended pollution, an application to court -**

Under section 33<sup>214</sup>, The State Pollution Control Board may apply to a court not below the level of a Judicial Magistrate or a Metropolitan Magistrate for an order preventing the person who is probable to provoke such pollution from provoking such pollution if it believes that the water in any flow or well is probable to be polluted due to the disposal or probable

disposal of any material in such streams or wells, in sewers, on any land, or for any other reason.

In *Maharaja Shri Umaid Mills v. State of Rajasthan*<sup>215</sup>, case the mill was discharging trade wastewater into the Bandi River. A request was made by the State Pollution Control Board under Section 33 of the act<sup>216</sup> to stop an industry from polluting the water supply. According to the court, section 33 is a social item of legislation that calls for remedial action to be conducted where there is concern that the water in a stream or well may be contaminated due to the discharge or potential disposal of trade waste in those areas.<sup>217</sup>

In *Sukhna Paper Mill v. State of Punjab*<sup>218</sup> case, according to the Court's ruling, the Board may be given permission by the Court to remove or dispose of the materials in accordance with the Court's instructions in order to prevent water pollution in any streams or well.<sup>219</sup>

#### **To Give Directions -**

Giving direction is one of the function of the board and the power to ask the new outlets to adhere with the same. Board gets this power under section 33A of the act.<sup>220</sup>

In *Ambuja Petro Chemical v. A.P. Pollution Control Board*<sup>221</sup> case, The Andhra Pradesh Pollution Control Board's improper ruling demanding the closure of the petitioner's factory premises was challenged in court through a petition. A notification was sent to the petitioner, claiming that the effluent sample revealed values that were higher than the limit set by the State Pollution Control Board.<sup>222</sup> Additionally, it was claimed that the plaintiff was not lifting the waste for disposal after final treatment. The State Pollution Control Board then issued the order closing the unit, which was contested in the writ suit. The State

<sup>209</sup> *Narula Dying and Printing Works v. Union of India*, AIR (1995) Guj 185

<sup>210</sup> Water (Prevention and Control of Pollution) Act, 1974, Acts of Parliament, 1974 (India)

<sup>211</sup> *Mahavir Soap and Godakhu Factory v. Union of India*, AIR (1995) Orissa 218

<sup>212</sup> Water (Prevention and Control of Pollution) Act, 1974, Acts of Parliament, 1974 (India)

<sup>213</sup> *Mahavir Soap and Godakhu Factory v. Union of India*, AIR (1995) Orissa 218

<sup>214</sup> Water (Prevention and Control of Pollution) Act, 1974, Acts of Parliament, 1974 (India)

<sup>215</sup> *Maharaja Shri Umaid Mills v. State of Rajasthan* AIR (1998) Raj. 9

<sup>216</sup> Water (Prevention and Control of Pollution) Act, 1974, Acts of Parliament, 1974 (India)

<sup>217</sup> *Maharaja Shri Umaid Mills v. State of Rajasthan* AIR (1998) Raj. 9

<sup>218</sup> *Sukhna Paper Mill v. State of Punjab* (1995) III CCR 838 (P&H)

<sup>219</sup> *Sukhna Paper Mill v. State of Punjab* (1995) III CCR 838 (P&H)

<sup>220</sup> Water (Prevention and Control of Pollution) Act, 1974, Acts of Parliament, 1974 (India)

<sup>221</sup> *Ambuja Petro Chemical v. A.P. Pollution Control Board* AIR (1997) AP 41

<sup>222</sup> *Id*

Pollution Control Board's ruling ordering the closure of the industry, in the opinion of the Andhra Pradesh High Court, is not appropriate, it was stated while rejecting the writ petition. However, the court ruled that the Petitioners Industry was free to follow any instructions given by the State Pollution Control Board regarding the restoration of its industrial operations.<sup>223</sup>

In *Associated Trades v. State Of West Bengal*<sup>224</sup> case, The Court ruled that before issuing an order for the closure of an enterprise under Section 33-A of the act<sup>225</sup>, the State Pollution Control Board must give the industry a chance to take any corrective actions for the purpose of preventing and controlling water pollution.<sup>226</sup>

In *Mandu Distillers v. M.P Pradushan Niwaran Mandal*<sup>227</sup> case, The State Pollution Control Board's order to close the site was overturned by the court on the grounds that it violated procedural safeguards and denied natural justice principles.<sup>228</sup>

In *Stella Silks v. State of Karnataka*<sup>229</sup> case, The State Pollution Control Board's order to shut down industries was affirmed by the court. The State Pollution Control Board's warning was ignored by the petitioner, who continued to operate in the industry and release filthy water into the environment. This was noted by the court.<sup>230</sup>

### **Samples for analysis of effluents -**

In *Abdul Hamid v. Gwalior Rayon Co.*<sup>231</sup> case, The Court emphasised that Section 21 of the act<sup>232</sup> is intended to safeguard industries and industrialists by striking a reasonable balance

between risks to citizens and competing narratives of the country's industrial success.<sup>233</sup> In *Delhi Bottling Co. Pvt. Ltd. v. Central Board for the Prevention and Control of Water Pollution*<sup>234</sup> case, The board took a sample of industrial effluent from the bottling company's discharge stream, and following investigation it was discovered that the sample did not support the conditions of the consent order that the company had been given.<sup>235</sup> The board launched a lawsuit under the act<sup>236</sup>, and as a result, the court granted an order mandating that the corporation build a treatment plant but the bottling company contested the same. The Court ruled that the evidence cannot be considered as acceptable since the sample was not collected strictly<sup>237</sup> in accordance with the method as required by Section 21 of the act.<sup>238</sup>

### **Analysis of the administration and function of Board**

The statute have clearly laid down several powers and functions of the Pollution control board along with the regulations for appointments, court procedures etc. let us check the real functioning of the Board taking into account different factors leading to the difference between efficient statutory mechanism and real administration of the same.

### **Capacity Building -**

It is important to note that several processes necessary for PCBs to operate effectively and efficiently, such training their own employees, are major causes for concern. Staff training was noted as a "low-priority of SPCBs item of investment in the budgets of the majority of the SPCBs"<sup>239</sup> in the. However, it appears essential

<sup>223</sup> Id

<sup>224</sup> *Associated Trades v. State Of West Bengal*, (1996) AIHC 2795

<sup>225</sup> Water (Prevention and Control of Pollution) Act, 1974, Acts of Parliament, 1974 (India)

<sup>226</sup> *Associated Trades v. State Of West Bengal*, (1996) AIHC 2795

<sup>227</sup> *Mandu Distillers v. M.P Pradushan Niwaran Mandal* AIR (1995) MP 57

<sup>228</sup> Id

<sup>229</sup> *Stella Silks v. State of Karnataka*, AIR (2001) Kant 219

<sup>230</sup> *Stella Silks v. State of Karnataka*, AIR (2001) Kant 219

<sup>231</sup> *Abdul Hamid v. Gwalior Rayon Co.* 1989 CrLJ (2013) M.P

<sup>232</sup> Water (Prevention and Control of Pollution) Act, 1974, Acts of Parliament, 1974 (India)

<sup>233</sup> *Abdul Hamid v. Gwalior Rayon Co.* 1989 CrLJ (2013) M.P

<sup>234</sup> *Delhi Bottling Co. Pvt. Ltd. v. Central Board for the Prevention and Control of Water Pollution*, AIR (1986) Delhi 152

<sup>235</sup> ibid

<sup>236</sup> Water (Prevention and Control of Pollution) Act, 1974, Acts of Parliament, 1974 (India)

<sup>237</sup> *Delhi Bottling Co. Pvt. Ltd. v. Central Board for the Prevention and Control of Water Pollution*, AIR (1986) Delhi 152

<sup>238</sup> Water (Prevention and Control of Pollution) Act, 1974, Acts of Parliament, 1974 (India)

<sup>239</sup> Indian Institute of Management, Lucknow, *Evaluation of Central Pollution Control Board (CPCB)* February, 2010.

that the SPCB staff members have a full understanding of the background and practicalities of water and air pollution standards, rules, and regulations. A good SPCB should allocate at least some of its money to staff capacity building.<sup>240</sup>

### **Regional Offices and Laboratories -**

In its examination of SPCBs in 2002, the Planning Commission found that the CPCB had not established any guidelines for the SPCBs to adhere to while setting up its sub regional and regional offices and laboratories. According to their priorities and financial situation, the SPCBs are now free to set up regional offices and laboratories. The States haven't always used their discretion well, though.

Take into account the two SPCBs included in the Planning Commission research itself as an example. The South Bengal region is home to all four of West Bengal SPCB's regional offices (ROs). This might entirely keep the Board unaware of any potential causes of pollution in North Bengal region, which is home to only agro-based businesses.<sup>241</sup> In the same way, Haryana State Pollution Control Board has 9 ROs dispersed around the State. The two districts that require close monitoring but were far from regional offices are Panipat (handloom with dyeing). and Yamunanagar (paper mills and rolling mills). However, both of these districts now have the ROs.<sup>242</sup>

These instances demonstrate the need for SPCBs to adhere to uniform standards, particularly in terms of their geographic distribution and the monitoring of "pollution hotspots," when they establish their sub-regional and regional offices and laboratories, even though the States may have some flexibility in determining the number of regional offices.

### **Chairman and member secretary -**

The Chairman and the Member Secretary of the State pollution control board, who are the first

and second officers of the SPCBs, are required by the pollution laws to have specific qualifications. According to the Acts, SPCBs must have "a full-time chairman, who shall be a person with practical experience or special knowledge in respect of matters related to protecting the environment or a person with experience and knowledge in administering institutions associated with the foregoing, to be chosen by the Central Government." The Acts further stipulate that SPCBs must have "a full-time member-secretary, to be chosen by the Central Government, who is qualified, knowledgeable, and experienced in scientific, management, or engineering elements of pollution control."<sup>243</sup> Currently, the Indian Administrative Service (IAS), which may or may not have specialised practical experience or knowledge in respect of subjects relevant to environmental protection, provides the majority of the Chairmen of SPCBs.<sup>244</sup> For a perfect SPCB, it is crucial to make sure that the Chairman has unique expertise or relevant real-world experience in topics pertaining to environmental protection.

The fact that the Member Secretary in the majority of SPCBs now comes from the (IFS) Indian Forest Service may be the bigger issue with the SPCBs across the nation (IFS). The IFS personnel are unlikely to "have knowledge and expertise of scientific, management, or engineering aspects of pollution control," as required by the pollution regulations, given their training and backgrounds. A model SPCB must have a Member Secretary who is qualified to oversee and make decisions on scientific,

<sup>243</sup> Water (Prevention and Control of Pollution) Act, 1974, Section 3(2), Acts of Parliament, 1974 (India)

<sup>244</sup> N.S. Venkataraman, *Why not be Pollution Control Boards made autonomous bodies in India?* South Asia Journal, <<http://southasiajournal.net/why-not-be-pollution-control-boards-made-autonomous-bodies-in-india/>>

A legislative panel proposed functional and financial autonomy for the Federal Pollution Control Board in 2008 while criticising the practise of IAS officials and bureaucrats having significant positions in the state and central pollution control bodies (CPCB). The parliamentary standing committee on science, technology, the environment, and forests delivered a report to both chambers of parliament on the operation of the CPCB and voiced displeasure about the lack of qualifications or standards for senior CPCB members. The committee stated that it was "extremely concerning" and that "this practise needs to be stopped immediately" that IAS (Indian Administrative Service) personnel and bureaucrats were occupying the top positions at the CPCB and state PCBs.

<sup>240</sup> *Planning Commission, Evaluation study on the functioning of State Pollution Control Boards 2002.*

<sup>241</sup> <https://www.wbpcb.gov.in/offices-&-laboratories-of-wbpcb>

<sup>242</sup> <https://hspcb.gov.in/PDGW>

engineering, or managerial aspects of pollution control, especially because the Chairman is often an IAS officer (a generalist).<sup>245</sup>

It is also important to remember that the Belliappa Committee Report, which was submitted in 1990 and focused on the operation of Pollution Control Boards, proposed that the Chairman and Member Secretary of SPCBs be appointed for a minimum period of three years. This was a crucial advice that all SPCBs should put into practice. The Chairman and Member-Secretary roles in a model SPCB should have a specified minimum term of three years, which can protect these posts from unwarranted influence.<sup>246</sup>

*Techi Tagi Tara v. Rajendra Singh Bhandari*<sup>247</sup> – Establishing effective institutions made up of professionals and developing them so that the duties and obligations given to them are carried out sincerely and with dedication in the public interest is one of the key characteristics of good governance.<sup>248</sup> Further held, this applies to statutory authorities as well as administrative agencies, and more so because statutory authorities are creations of law formed by competent legislatures, representing peoples' will. To ensure the appointment of qualified professionals and experts, the State Government has been ordered to devise effective guidelines or recruitment regulations within the allotted time frame, taking into account the institutional necessities of SPCBs, the law established by statute or court order, and expert committee reports.<sup>249</sup> Public-spirited people have the right to request the issuance of a writ of quo warranto from the appropriate High Court if a person is appointed or continuing in their position despite not complying with the law or the constitution.

#### ***Jurisdiction of Board over punishment –***

Lack of any efficient punitive and deterrent method in case of non-compliance directly leads to polluting units' failure to install

abatement mechanisms. First, the SPCBs lack the authority to sanction chronically non-compliant entities immediately. In the lack of such authority, the State Boards would have to wait for the non-complying unit to follow their instructions or file a complaint against the offending unit with the Court of Justice. The court has the authority to inflict severe penalties, which can include jail time of up to 6 years and a fine. Courts are frequently preoccupied with ongoing criminal and civil matters, and environmental cases may languish unresolved for years at a time. The small number of environmental cases they have brought demonstrates the State Boards' growing scepticism about the effectiveness of litigation as a form of control, especially those of Tamil Nadu, Madhya Pradesh, Punjab, Orissa, and Gujarat. It is obvious that the total number of cases brought by state boards in places like Assam, Maharashtra, Punjab, Gujarat, Tamil Nadu, Kerala, and Karnataka was much lower than the total number of industrial entities that were not in compliance. When cases are eventually decided, several State Boards claim that the decisions frequently go against them because the courts are hesitant to sentence the refractory units to 18 months in prison.

The above-mentioned situation of criminal prosecutions of polluters suggests that the State Pollution Control Board need to be given the authority to enforce environmental civil fines. As these boards work on precautionary principle, there is need to advancement of this principle instead of limiting the same.<sup>250</sup> The fact that all environmental laws and regulations in India, including the Air Act of 1981 and the Water Act of 1974 are currently only supported by the use or threat of criminal punishments, however, accounts for a significant portion of the issue. However, criminal prosecution is a rigorous strategy that should only be employed for the most serious offences. It places greater emphasis on getting results through punishment than through prevention and calls

<sup>245</sup> C.M. Jariwala, *Complex enviro-technoscience issues: The judicial direction* 42 Journal of the Indian Law Institute <<https://www.jstor.org/stable/43951733>>

<sup>246</sup> The Belliappa Committee Report, 1990

<sup>247</sup> *Techi Tagi Tara v. Rajendra Singh Bhandari*, (2018) 11 SCC 734

<sup>248</sup> *ibid*

<sup>249</sup> *ibid*

<sup>250</sup> Charmian Barto, *The Status of the Precautionary Principle in Australia* 22 Harv Env't L. Rev. 509, 547

for stricter procedural safeguards, which reduces the effectiveness of regulations. The difficulties in pursuing criminal prosecution of the offenders committing environmental offences also contribute to regulatory bodies' unwillingness to pursue more challenging cases. On the other hand, the advantages of using civil fines as a component of any efficient regulatory system are becoming more widely acknowledged.

As an extra instrument to criminal prosecution, which can then be saved for willful or flagrant disregard for the law, environmental regulatory bodies in various nations have the authority to impose civil fines for environmental regulation violations. In the USA, a regulatory agency has the option to impose civil fines in an amount that reflects the conditions of the regulatory violation, including any financial gains attained as a result of the violation. They could be used as an option to criminal prosecution rather than as a substitute, but they don't carry the same moral stigma or weight of proof. The "Polluter Pays Principle" (limiting pollution at the source), that has been upheld by the Apex Court of India on numerous occasions, serves as the legal foundation for such a strategy.<sup>251</sup> Hence, without countering to the fact that courts are doing progressive job in the field of environment<sup>252</sup>, amendments to the pollution laws, such as the air act and water act, should be made to give the SPCBs particular legal powers to impose environmental harm and civil culpability.

The recommendation given in the report in 2019 also recommended the involvement of Pollution Control Board in the prosecution of Violator. However, dealing with the criminal punishment must always be out from the Pollution Control Board jurisdiction because of the absence of judicial body inside the same.<sup>253</sup>

<sup>251</sup> Harshita Singhal and Sujith Koonam, *Polluter Pays Principle in India: Assessing conceptual boundaries and implementation issues* International Environmental Law Research Centre <<https://www.ielrc.org/content/a2101.pdf>>

<sup>252</sup> C.M. Jariwala, *Direction of Environmental Justice in India: Critical Appraisal of 1987 Case Law* 35 JILLI 92, (1993) 144; See also C.M. Jariwala, *Environmental Justice from Ratlam to M. C. Mehta* in P. Nagabooshanam (ed.), *Environmental Law, Policy and Perspectives* (1992), 33

<sup>253</sup> Central Pollution Control Board, *Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund* (2019).

### **Appeal mechanism –**

Without any counter to the argument that the Supreme Court till now has done a progressive job in the field of environment, the Any individual who feels wronged by a State Board order issued in accordance with Section 28 of the Act may appeal, according to the Act. The party who feels wronged has 30 days to file an appeal with the state government-established appellate body. The appeal can be quickly resolved by the appellate body after the state board and appellant have had a chance to be heard. While doing so, the authority may: (a) revoke any condition; (b) substitute another condition; (c) maintain the condition as is; or (d) amend the requirement in a way that is reasonable.

In light of the challenges the Appellate authority may have while deciding on complicated environmental matters, the Supreme Court has proposed amending section 28 of the Water Act. In order to underline this urgent requirement, Jagannadha Rao, J. used the following words<sup>254</sup>:

There is also a pressing need for a High Court judge, whether active or retired, as well as a scientist or group of highly qualified and experienced scientists, to assist in the resolution of environmental disputes in all States and Union Territories' appellate authorities under sections 28 of the Act,<sup>255</sup> and section 31 of the Act,<sup>256</sup> or other rules. For the time being, notices already issued under these Acts may be modified.<sup>257</sup>

### **Direct coordination between staff size and SPCB mandate –**

It is clear that there is a significant disparity in the staff sizes of the country's current SPCBs. The Maharashtra Pollution Control Board (MSCB) employs more than 700 people compared to the Delhi Pollution Control Board i.e. Delhi Pollution Control Committee (DPCC) 86 total employees. To verify that the nearly 200,000

<sup>254</sup> *A.P. Pollution Control Board Ii vs. M.V. Nayudu and Ors.* MANU/SC/2953/2000

<sup>255</sup> Water (Prevention and Control of Pollution) Act, 1974

<sup>256</sup> Air (Prevention and Control of Pollution) Act, 1981

<sup>257</sup> *A.P. Pollution Control Board Ii vs. M.V. Nayudu and Ors.* MANU/SC/2953/2000

industrial units covered by the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, have valid Consent to Establish and Consent to Operate, DPCC has just ten engineers in total. A 2002 Planning Commission assessment of SPCBs noted that a significant constraint on SPCBs was "the differential availability of manpower for monitoring a particular number of polluting industrial enterprises." It follows that a hypothetical SPCB would have to be based on a defined standard that ensures a direct correlation between the SPCB's mandate and the staff size that would be available to carry it out.

It is proposed that a predetermined ratio between the number of industrial entities under the control of SPCBs and the technical staff within those bodies be established. One Executive/Assistant Engineer should be in charge of both monitoring and guaranteeing compliance for every 500 industrial units, according to a specified recommendation. This would necessitate a multi-fold rise in the SPCBs' current staff strength.<sup>258</sup>

### Conclusion

The committees and backing of statutes and judiciary is an essential need for the controlling the pollution and the pollution control board is an important factor in the same. What makes these Boards important is that they work on the 'precautionary principle' which is the best way to deal with environment pollution.<sup>259</sup> We have seen several cases where the pollution control board has served an important role for saving the environment.

However, several points like the low ratio of staff to the industrial units of the jurisdiction making the working little inefficient; the inclusion of judicial body and scientists in the appeal mechanism of the system; criteria of experience in the field or training system for the chairman of the board, comes into picture while checking

upon the whole system of pollution control board.

Therefore, the analysis laid down in the second part of the paper determines that the working of the Board is not that effecting as it could be after incorporating certain recommendations given by some committees and in this paper. As we have seen, how in spite of having a board, courts and litigation always remain in picture which are causing hindrance in the effective working of the board. Hence, there is need to bring a change in the system which will be more effective and efficient for controlling the pollution.

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<sup>258</sup> *Planning Commission, Evaluation study on the functioning of State Pollution Control Boards (2002).*

<sup>259</sup> United Nations, United Nations Framework Convention on Climate Change, 1992; See also, *M.C. Mehta v. Union of India*, AIR 1997 SC 734

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