GOVERNING THE ENVIRONMENTAL FUNCTIONS OF REGULATORY INSTITUTIONS IN INDIA

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A JOURNEY FROM STOCKHOLM TO DELHI...
“the environment cannot be improved in conditions of poverty, unless we are in a position to provide employment and purchasing power for the daily necessities of the tribal people and those who live in around our jungles, we cannot prevent them from combing the forests for food and livelihood; from poaching and from despoiling the vegetation. How can we speak to those who live in villages and slums about keeping the oceans, the rivers and the air clean when their own lives are contaminated at the source”

-- Indira Gandhi, Stockholm Conference, 1972
In its preamble it is stated, "WHEREAS decisions were taken at the United Nations Conference on the Human Environment held in Stockholm in June, 1972, in which India participated, to take appropriate steps for the preservation of the natural resources of the earth which, among other things, include the preservation of the quality of air and control of air pollution"
ENVIRONMENT LEGISLATION IN INDIA
The legislative and regulatory measures which have been developed aim at preservation, conservation and protection of the environment after *Stockholm Conference, 1972*. 

Some important legal instruments are:

- Wildlife (Protection) Act, 1972
- Water (Prevention and Control of pollution) Act, 1974
- Forest Conservation Act, 1980
- Air (Prevention and Control of pollution) Act, 1981
- Environment (Protection) Act, 1986
- Public Liability Insurance Act, 1991
HIGHERCHIAL ORDER

Constitution

ACTS

RULES  NOTIFICATION  RESOLUTION

SUB RULES
Constitutional Provisions

42nd Amendment Act, 1976

1. 48A Directive Principle of State Policy – “State shall endeavor to protect and improve the environment and to safeguard the forests and the wildlife of the country”

2. 51A Fundamental Duties – It shall be the duty of every citizen of India “to protect and improve the natural environment including various lakes, rivers & wildlife and have compassion for living creatures”.
STRUCTURE OF ACTS

- Preamble
- Short title
- Definition
- Authority and Organization
- Relation of Government and Organization
- Power of Organization
- Function of Organization
- Penal Provision
- Appellate and Appeal
- Cognizance of offence
The Water (Prevention & Control of Pollution) Act, 1974

PREAMBLE

‘An Act to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water’
Wholesomeness of water

By wholesomeness of water means an aquatic ecosystem act as a dynamic biological machine that sustains a physicochemical characteristics that harbors diverse aquatic flora & fauna & various uses for human being

This biological machine also assimilates pollutants to a great extent

Assimilative capacity =

\[ \text{Re-aeration constant} \]
\[ \text{De-oxygenation rate} \]
DEFINITION OF PLAYERS UNDER SECTION 2 OF WATER ACT

- “Board” means the Central Board or a State Board.
- “Central Board” means the Central Pollution Control Board constituted under section 3.
- “State Board” means a State Pollution Control Board constituted under section 4.
- “State Government” in relation to a Union territory means the Administrator thereof appointed under article 239 of the Constitution.
- Occupier (Polluter) in relation to any factory or premises, means the person who has control over the affairs of the factory or the premises, and includes, in relation to any substance, the person in possession of the substance;
REGULATORS

- CENTRAL GOVERNMENT
- STATE GOVERNMENT
- CENTRAL POLLUTION CONTROL BOARD
- STATE POLLUTION CONTROL BOARD/COMMITTEE
CONSTITUTION OF CENTRAL BOARD (UNDER SECTION 3)

Central Board

Chairman

Representative Agriculture, Fisheries/Trade

PSU

Government Of India Nominee Representative of SPCB

Member Secretary

Central Board is a body corporate
CONSTITUTION OF STATE BOARD (UNDER SECTION 4)

State Board is a body corporate.
FUNCTIONS OF THE CENTRAL BOARD

- Advise the Central Government on any matter concerning the prevention and control of water and air pollution and the improvement of the quality of the air;

- Plan and cause to execute a nation-wide programme for the prevention, control or abatement of water & air pollution;

- Coordinate the activities of the State Boards and resolve disputes among them; provide technical assistance and guidance to the State Boards, carry out and sponsor investigation & research relating to problems of water & air pollution and for their prevention, control or abatement;

- Plan and organize training of persons engaged in programmes on the prevention, control or abatement of water & air pollution

- Organize through mass media, a comprehensive mass awareness programme on the prevention, control or abatement of water & air pollution.
Collect, compile and publish technical and statistical data relating to water & air pollution and the measures devised for their effective prevention, control or abatement; prepare manuals, codes and guidelines relating to treatment and disposal of sewage and trade effluents as well as for stack gas cleaning devices and stacks of ducts;

Disseminate information in respect of matters relating to water & air pollution and their prevention & control;

Lay down, modify or annual, in consultation with the State Government concerned, the standard for stream or well and lay down standards for the quality of air; and

Perform such other functions as may be prescribed by the Government of India.
FUNCTIONS OF THE STATE POLLUTION CONTROL BOARD

Advice the State Government with respect to suitability of any premises or location for carrying-out any industry which is likely to pollute a stream or well or cause air pollution.

Lay down standards of treatment of sewage and trade effluents for emission of automobiles, industrial plants or any other polluting sources.

Evolve methods of disposal of sewage and trade effluents on lands.

Develop reliable and economically viable methods for treatment of sewage, trade effluents and air pollution control equipment.

Granting consent to polluter under the Water & Air Act, and authorization to facilities for disposal of hazardous waste, bio-medical waste under the respective Rules of E(P) Act, after getting satisfied of the performance of their control facility.

To inspect water and wastewater treatment installation, air pollution control devices, hazardous & bio-medical waste development facilities.

Assess the quality of ambient water & air.
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OBJECTIVE AND APPROACH

Control of pollution at the source to the maximum extent possible with due regard to technoeconomic feasibility.

Utilization of assimilative capacity and dispersibility of the natural system to minimize investment to pollution control sources

Maximization of reuse/recycle of sewage and trade effluent on land for irrigation and for industrial purpose after appropriate renovation.

Minimization of pollution control requirement by judicious location of new industries and relocation of existing industry wherever necessary

Sweetening of off-gases either by installation of pollution control equipment or recovery of raw materials or thermal destruction of toxic gases.

Efficient methods for collection and disposal of hazardous/biomedical / municipal solid waste.
DOWN THE MEMORY LANE...
CPCB Shastri Bhawan Office

Shastri Bhawan, New Delhi

September, 1974
Nehru Place

1979
Present Building

1988 - present
RULES AND NOTIFICATION UNDER E (P) ACT

E (P) ACT

049 Pollution Control
049 Waste (Management and Handling) Rules
049 Noise Pollution
049 Hazardous waste, 1989
049 Bio-medical waste, 1998
049 Municipal solid waste, 2000
049 The Batteries Rules, 2001

044 The Ozone Depleting substances, 2000
045 the Recycled Plastics Manufacture and Usage Rules, 1999
046 The Bureau of Indian Standards Certification Regulation, 1997
045 Eco-Mark Scheme, 1991
Organizational Structure

CHAIRMAN

MEMBER SECRETARY

POLLUTION ASSESSMENT
- Survey
- Monitoring

POLLUTION CONTROL
- Planning
- PCI
- PCII
- PCI
- PLII

INFRASTRUCTURE
- General
- Base
- Associated
- Chemical
- Industries

TECHNICAL
- Laboratory

ADMIN & ACCOUNTS
- Laboratory

ZO
- Bangalore
- Coimbatore
- Kengeri
- Vellore
- Sholinganallur

Linkages of Laboratories with other Divisions/Sections:
- PCI: Pollution Control Implementation
- ZO: Zonal Office
- PLS: Policy, Law and Small Scale Industries
## Publications

### List of Publications

1. Control of Urban Pollution Series (CIIPS)
2. Programmes Objectives Series (PROBES)
3. Comprehensive Industry Document Series (COINDS)
4. Assessment and Development Study of River Basin Series (ADSORBS)
5. Coastal Pollution Control Series (COPOCS)
6. Laboratory Analytical Techniques Series (LAT3)
7. Monitoring of Indian Notional Aquatic Resources Series (MINARS)
8. National Ambient Air Quality Monitoring Series (NAAQMS)
9. Ecological Impact Assessment Series (EIAS)
10. Pollution Control Law Series (PCLS)
11. Hazardous Waste Management Series (HAZWAMS)
12. Resource Recycling Series (RERES)
13. Ground Water Quality Series (GWQS)
15. Environmental Mapping and Planning Series (EMAPS)
16. Trace Organic Series (TOS)
First Chairman of CPCB

Professor Dr. Nilay Chaudhuri
(July 1, 1934 - May 20, 1997)
Chairpersons

- Prof. Nilay Chaudhuri (1976-1986)
- Sh. Paritosh C. Tyagi (1986-1990)
- Sh. NS Tiwana (1990-1991)
- Sh. A. Bhattacharyya (1991-1992)
- Dr. Raja Gopal (2002-2005)
- Prof. SP Gautam (2008-2011)
- Ms. Mira Maharishi (2011-2012)
- Sh. Ajay Tyagi (2012 to present)
Member Secretary

- Mr. M. Mia Khan
- Mr. B.V Rotkar
- Prof. GD Aggarwal
- Dr. R. Gharekhan
- Dr. K. R Ranganathan
- Dr. K. R Khan
- Dr. S.P Chakrabarti
- Dr. B Sengupta
- Sh. J. S Kamiotra
If you Salute your Duty, 
You no need to Salute 
Anybody, 
But 
If you pollute your 
Duty, You have to 
Salute Everybody 
-Kalam