

AIR (Prevention and control of Pollution) ACT

What is Air pollution?

- ▶ Air pollution refers to the release of pollutants into the air that are detrimental to human health and the planet as a whole.
- ▶ It is an undesirable change in the physical, chemical or biological characteristics of air.
- ▶ Sources of Air Pollution are:-
 1. Man-made
 2. Natural

Major Air Pollutants

1. Carbon Monoxide
2. Sulphur Dioxide
3. Carbon Dioxide
4. Chloroflоро Carbon
5. Nitrogen Oxide
6. Ozone

Air Pollution Control Acts

- ▶ 1948:-Factories Act and Amendment in 1987.
- ▶ 1981:-Air(Prevention and Control of Pollution)Act.
- ▶ 1982:-Air(Prevention and Control of Pollution)Rules.
- ▶ 1982:-Atomic Energy Act.
- ▶ 1987:-Air(Prevention and Control of Pollution)Amendment Act.
- ▶ 1988:-Motor Vehicle Act.

The Air (Prevention and Control of Pollution) Act, 1981

- ▶ The Air(Prevention and Control of Pollution)Act, 1981 is a central Act of Parliament, which provides for the prevention and control of air pollution and maintaining the good quality of air.
- ▶ It also provided for the establishment of the Central and State Boards for the Prevention and Control of Air Pollution.
- ▶ It is applicable to whole of India except Jammu and Kashmir.

Objective

- ▶ To provide for the prevention, control and abatement of air pollution.
- ▶ To provide for the establishment of central and state board with a view to implement the Act.
- ▶ To confer on the boards the power to implement the provisions of the Act and assign to the boards functions relating to pollution.

Definition Under the Air Act

- ▶ “Air Pollutant” means any solid, liquid or gaseous substance(including noise) present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment.(Sec.2(a))
- ▶ “Air Pollutant” means the presence in the atmosphere of any air.(Sec.(b))
- ▶ “Board” means the Central and State Board.(Sec.2(f))

Central Pollution Control Board

- ▶ Central Pollution Control Board constituted under sec.3 of the Water Prevention and Control Act,1974 was authorized to exercise the powers and performs the functions for the prevention and control of air pollution.(CPCB) of India is a statutory organisation under the Ministry of Environment, Forest and Climate Change. It serves as a field formation and provide technical and financial services.

The functions of Central Board under the Air Act

The main functions of the Central Board, as specified in Section 16 of the Act, shall be:-

- ▶ Advise the Central Government on any matter concerning the improvement of the quality of air and the prevention, control or abatement of air pollution.
- ▶ Plan and cause to be executed a nation-wide programme for the prevention and control of air pollution.
- ▶ Coordinate the activities of the State Boards and resolve dispute among them.
- ▶ Provide technical assistance and guidance to the State Boards.

State Pollution Control Board

- ▶ SPCB is constituted under section 4 of Water Prevention And Control of Pollution was also authorized to exercise the powers and performs the functions for the prevention and control of air pollution. Like CPCB it is also responsible for the implementation of legislation relating to prevention and control of environmental pollution but their powers and functions are different.

The functions of State Boards under the Air Act

The functions of the State Board, as specified in Sec.17, shall be:-

- ▶ To advise the State Government on any matter concerning the prevention, control or abatement of air pollution.
- ▶ To collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention and control of air pollution and to provide mass education programme relating thereof.
- ▶ To advise the State Government with respect to the suitability of any premises or location for carrying on any industry which is likely to cause air pollution.
- ▶ To provide various standards for the emissions of different industrial plants with regard to quantify and composition of emission of air pollutant into the atmosphere.

Penalties

- ▶ The persons managing industry are to be penalized if they produce emissions of air pollutants in excess of the standards laid down by the State Board.
- ▶ Whoever is found to be work against the clauses of the Act or any order or direction issued is punishable with Rs.10,000 in case of three months and if in case offence is continue then extra Rs.5000 is charged for everyday.

THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

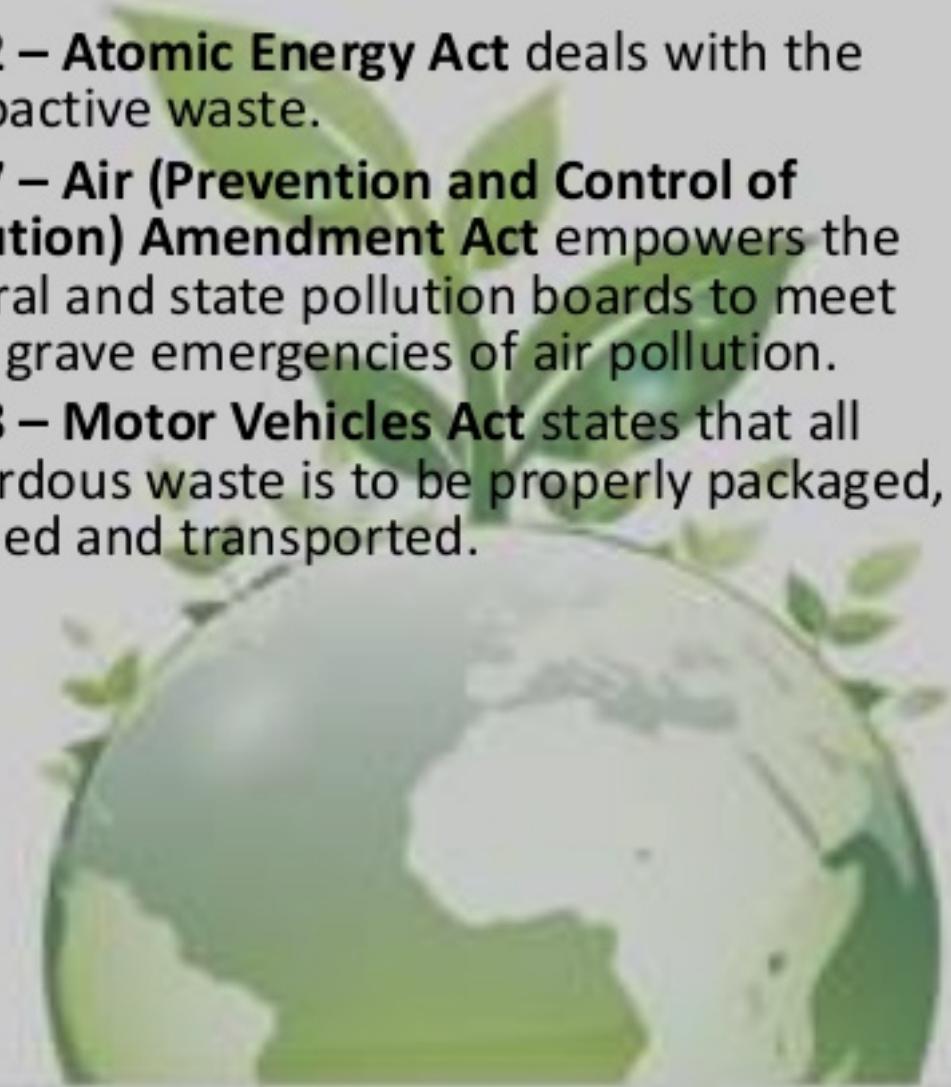
ACT No. 14 of 1981 [29th March, 1981.]

- An Act to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.
- **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;
- **AND WHEREAS** it is considered necessary to implement the decisions aforesaid in so far as they relate to the preservation of the quality of air and control of air pollution;

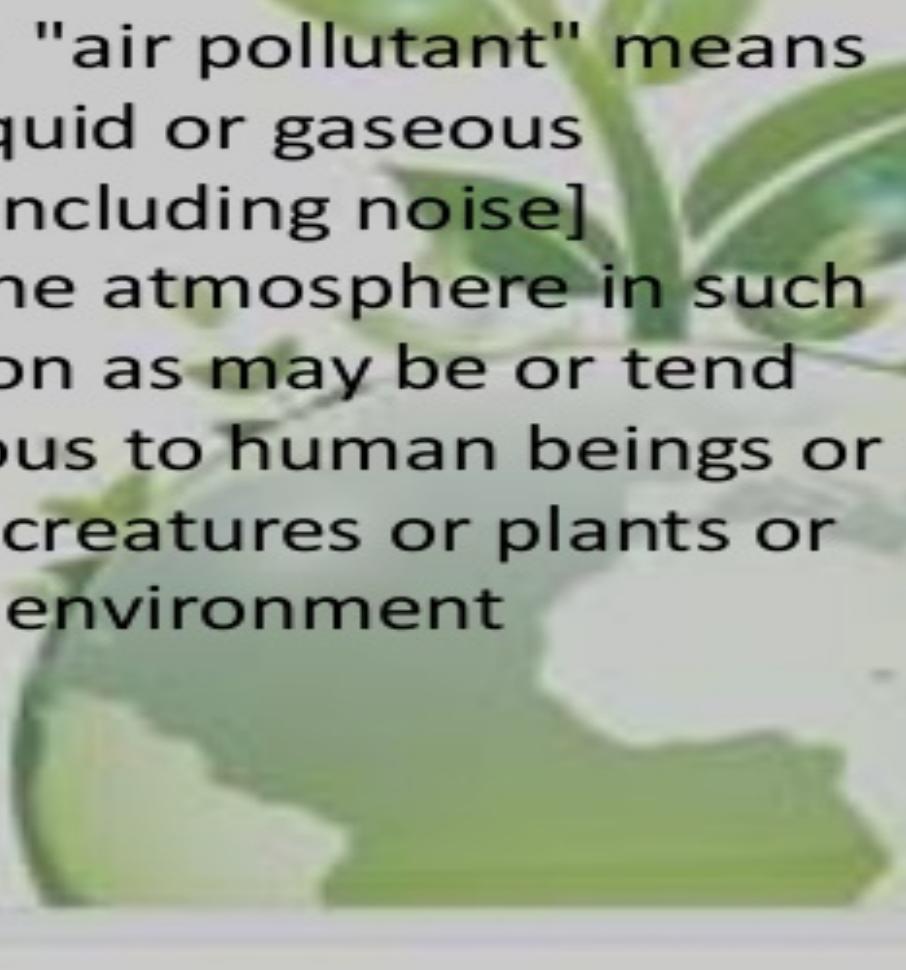
AIR POLLUTION CONTROL

- **1948 – Factories Act and Amendment in 1987** was the first to express concern for the working environment of the workers. The amendment of 1987 has sharpened its environmental focus and expanded its application to hazardous processes.
- **1981 – Air (Prevention and Control of Pollution) Act** provides for the control and abatement of air pollution. It entrusts the power of enforcing this act to the Central Pollution Control Board.
- **1982 – Air (Prevention and Control of Pollution) Rules** defines the procedures of the meetings of the Boards and the powers entrusted on them.

- **1982 – Atomic Energy Act** deals with the radioactive waste.
- **1987 – Air (Prevention and Control of Pollution) Amendment Act** empowers the central and state pollution boards to meet with grave emergencies of air pollution.
- **1988 – Motor Vehicles Act** states that all hazardous waste is to be properly packaged, labeled and transported.



- Definitions- "air pollutant" means any solid, liquid or gaseous substance [including noise] present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment



BACKGROUND

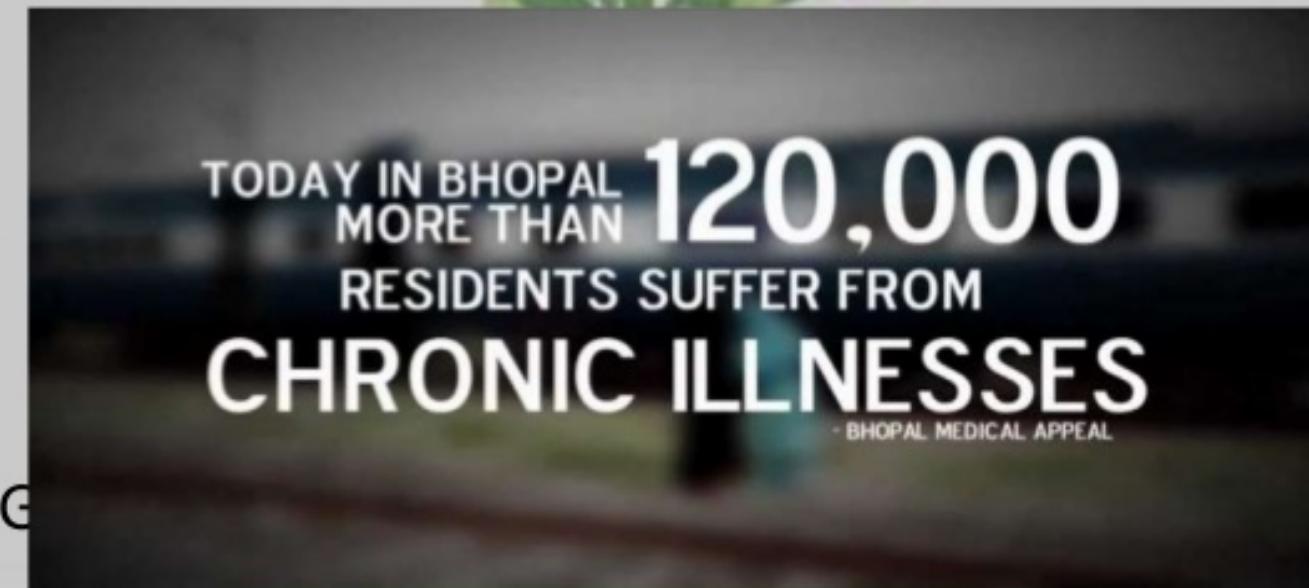


- In 1969, Union Carbide India Ltd. (Parent Co. UCC - 50.9% stake) set up a small plant in Bhopal, capital city of M.P. to formulate pesticides.
- Bhopal facility was part of India's Green Revolution aimed to increase productivity of crops.
- Until 1979, the UCIL used to import MIC (Methyl Isocyanate) from the parent co. in U.S.
- After 1979, it decided to manufacture its own MIC.

- Organic ,volatile, flammable & poisonous chemical used in pesticide production.
- Little lighter than water but twice as heavy as air
- Ability to react with many substances: water, acids, metals, small deposits of corrosive materials that accumulate in pipes, tanks & valves.
- Highly toxic to humans & short term exposure can cause death, respiratory diseases, ophthalmic problems, neurological disorders etc.



- Result: About 40 tons of MIC poured out of the tank for nearly 2 hours & escaped into the air, spreading within 8 hours downwind over the city of nearly 9 lakh.
- Thousands of people were killed in their sleep & lakhs remain injured or affected. Most seriously affected were the densely populated nearby slum colonies around the plant near the Bhopal Rly. Station.

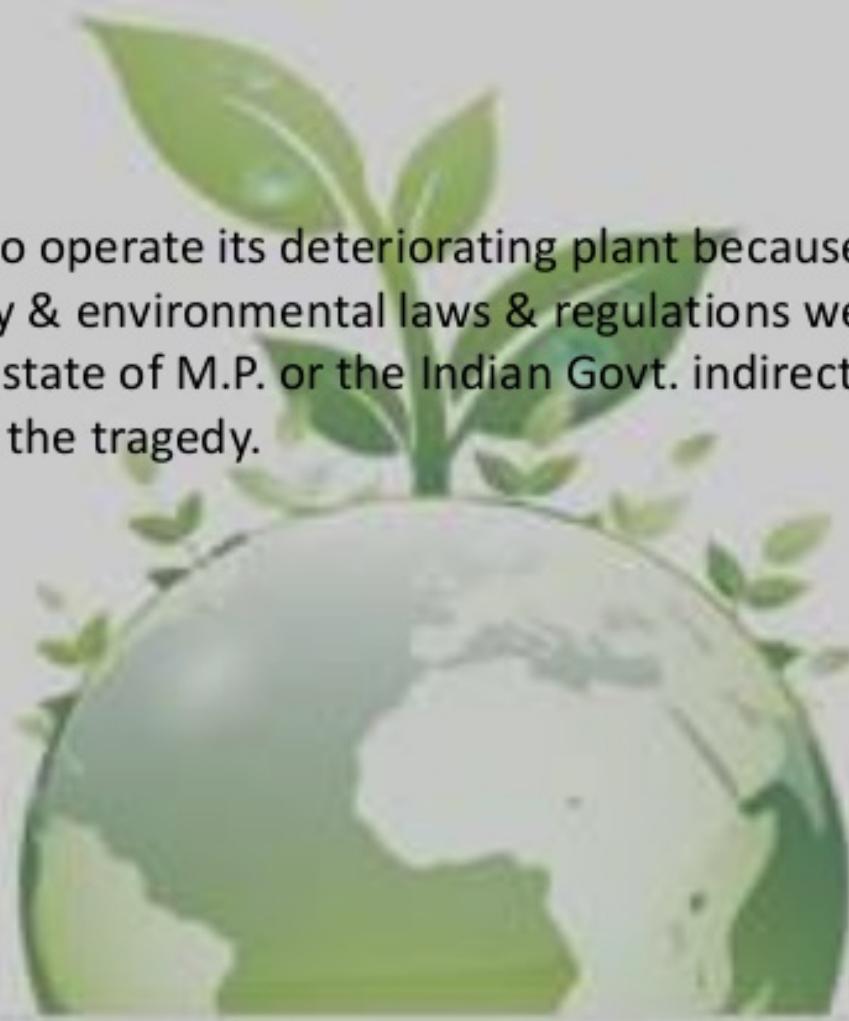


G

- Different for Bhopal plant & West Virginia (U.S.) plant. No computerized data loggers.
- Unreliable temp.& pressure gauges.
- No effective warning system.
- Gas leaks detected by workers reporting tearing & burning sensation in their eyes.
- Inadequate safety & maintenance procedures.
- Several minor accidents reported earlier.
- Most technicians poorly trained & inexperienced.

SAFETY & MAINTENANCE STANDARDS

- UCIL was able to operate its deteriorating plant because industrial safety & environmental laws & regulations were lacking making state of M.P. or the Indian Govt. indirectly responsible for the tragedy.





Six Common Pollutants

- Carbon Monoxide
- Ground-level Ozone
- Nitrogen Dioxide
- Lead
- Particulate Matter
- Sulfur Dioxide

Air (Prevention and Control of Pollution) Act, 1981

History

- 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

Air (Prevention and Control of Pollution) Act, 1981

Object & Scope

- An Act to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.
- It extends to the **whole of India**.
- It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Air (Prevention and Control of Pollution) Act, 1981

Definition

- “**Air pollutant**” means any solid, liquid or gaseous substance (including noise) present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment. (**Sec. 2(a)**)
- “**Air pollution**” means the presence in the atmosphere of any air. (**Sec. 2(b)**)

Air (Prevention and Control of Pollution) Act, 1981

Definition

- "Board" means the Central Board or State Board. (**sec.2(f)**)
- "**Central Board**" means the Central Board for the Prevention and Control of Water Pollution constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974. (**sec. 2(g)**)
- "**Member**" means a member of the Central Board or a State Board, as the case may be, and includes the Chairman thereof. (**sec. 2(l)**)

Air (Prevention and Control of Pollution) Act, 1981

Definition

- "**State Board**" means,-
 - (i) in relation to a State in which the Water (Prevention and Control of Pollution) Act, 1974, is in force and the State Government has constituted for that State a State Board for the Prevention and Control of Water Pollution under section 4 of that Act, the said State Board; and
 - (ii) in relation to any other State, the State Board for the Prevention and Control of Air Pollution constituted by the State Government under section 5 of this Act.
(sec. 2(o))

Air (Prevention and Control of Pollution)

Act, 1981

CENTRAL AND STATE BOARDS



Air (Prevention and Control of Pollution) Act, 1981

Bodies constituted to enforce the Act

- Central Pollution Control Board constituted under **section 3** of the Water (Prevention and control of Pollution) Act, 1974 was authorized to exercise the powers and performs the functions for the prevention and control of air pollution.
- State Pollution Control Boards constituted under **section 4** of the Water (Prevention and control of Pollution) Act, 1974 was authorized to exercise the powers and performs the functions for the prevention and control of air pollution.

Air (Prevention and Control of Pollution) Act, 1981

Constitution of State Boards (Sec. 5)

1. In any State in which the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), is not in force, or that Act is in force but the State Government has not constituted a State Board for the Prevention and Control of Water Pollution under that Act, the State Government shall, with effect from such date as it may, by notification in the Official Gazette, appoint, constitute a State Board for the Prevention and Control of Air Pollution under such name as may be specified in the notification, to exercise the powers conferred on, and perform the functions assigned to, that Board under this Act.

Air (Prevention and Control of Pollution) Act, 1981

Constitution of State Boards (Sec. 5)

3. Every State Board constituted under this Act shall be a body corporate with the name specified by the State Government in the notification issued under sub-section (1), having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire and dispose of property and to contract, and may by the said name sue or be sued.

Air (Prevention and Control of Pollution) Act, 1981

Central Board to exercise the powers and perform die functions of a State Board in the Union territories (Sec. 6)

- No State Board shall be constituted for a Union territory and in relation to -a Union territory, the Central Board shall exercise the powers and perform the functions of a State Board under this Act for that Union territory

Provided that in relation to any Union territory the Central Board may delegate all or any of its powers and functions under this section to such person or body of persons as the Central Government may specify.

Air (Prevention and Control of Pollution) Act, 1981

- **Vacation of seats by members (sec. 9)**

If a member of a State Board constituted under this Act becomes subject to any of the disqualifications specified in section 8, his seat shall become vacant.

- **Meetings-of Board (sec. 10)**

(1) For the purposes of this Act, a Board shall meet at least once in **every three months** and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed:

Provided that it, in the opinion of the Chairman, any business of an urgent nature is to be transacted, he may convene a meeting of the Board at such time as he thinks fit for the aforesaid purpose.

(2) Copies of minutes of the meetings under sub-section (1) shall be forwarded to the Central Board and to the State Government concerned

Air (Prevention and Control of Pollution)

Act, 1981

POWERS AND FUNCTIONS OF BOARDS



Air (Prevention and Control of Pollution) Act, 1981

Functions of Central Board (sec. 16)

- The main functions of the Central Board shall be to improve the quality of air and to prevent, control or abate air pollution in the country.
- In particular and without prejudice to the generality of the foregoing functions, the Central Board may-
 - Advice the Central Government on any matter concerning the improvement of the quality of air and the prevention, control or abatement of air pollution.
 - Provide technical assistance and guidance to the State Board, carry out and sponsor investigations and research relating to problems of air pollution and prevention, control or abatement of air pollution.
 - Perform such of the functions of any state board as may be specified in an order made under sub-section 2 of section 18
 - Lay down standards for the quality of air.
 - Collect and disseminate information in respect of matters relating to air pollution.

Air (Prevention and Control of Pollution)
Act, 1981

PREVENTION AND CONTROL OF AIR POLLUTION



Air (Prevention and Control of Pollution) Act, 1981

Power to declare air pollution control areas (sec.19)

- State govt., after consultation with state board, by notification, can declare any area as air pollution control area. Such area can be added, deleted or altered by notification. State Govt. can prohibit burning of any material (other than fuel) in such area; if it is likely to cause air pollution. It can also ordered that:-
 - (a) Only approved fuel should be used in that area
 - (b) Only approved appliance be used for burning of any fuel or for generating or consuming any fume, gas or particular matter.
 - (c) Such approval of the fuel or appliance can be given by state board.

Air (Prevention and Control of Pollution) Act, 1981

Restrictions on use of certain industrial plants (sec.21)

- No person can establish any industry in air pollution control area without previous approval of state govt. Application should be in prescribed form, accompanied by necessary fees. A person already operating industry in control area, has to apply for the permission with the necessary fees to the state board within 3 months. After making necessary inquiries, the court may grant the consent subject to certain conditions or the consent may be refused. The consent can be subject to conditions. Such permission or refusal within 4 months. The State board can cancel this consent, if the person fails to fulfill the conditions, only after giving the opportunities of being heard.

Air (Prevention and Control of Pollution) Act, 1981

Responsibility of the State Board (sec. 22A)

- The State Board has to dispose off the application received by any person for consent for establishing or to operate within a period of 4 months.
- The State Board can grant the consent subject to conditions and for some certain period by recording in the order.
- The State Board can refuse a further consent after the expiry of the granted consent or cancel an already granted consent before the expiry of the period if the conditions imposed in the order have not been fulfilled after according an opportunity of hearing to the person.

It is the responsibility of the state board that it should not permit to be discharged any environmental pollutants in excess of the standards specified in schedule I to schedule VI of The EP Rules, 1986.

Air (Prevention and Control of Pollution) Act, 1981

Monitoring by the State Board (sec. 26)

- The officers of the Board have been empowered to take samples of air or emission by the Act.
- For analyzing the samples the State Government may, by notification in the Official Gazette establish one or more State Air Laboratories.
- The State Government may, by notification in the Official Gazette, appoint persons having the prescribed qualifications to be Government analysts for the purpose of analysis of samples of air or emission.
- State Board may, by notification in the official Gazette, and with the approval of the State Government, appoint persons having prescribed qualifications to be Board analyst for the purpose of analysis of samples of air or emissions.

Air (Prevention and Control of Pollution)

Act, 1981

FUND, ACCOUNTS AND AUDIT



Air (Prevention and Control of Pollution) Act, 1981

Contribution by Central Government (sec. 32)

- Make in each financial year such contributions to the State Boards as it may think necessary to enable the State Board to perform their functions under this Act:

Provided that nothing in this section shall apply to any State Board for the Prevention and Control of water Pollution constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974, which is empowered by that Act to expend money from its fund there under also for performing its functions, under any law for the time being in force relating to the prevention, control or abatement of air pollution.

THANK YOU