

Constitution of Central Pollution Control Board

Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 explains the constitution of the Central Pollution Control Board-

- It shall have a full-time Chairman, having special knowledge and practical expertise in matters of environmental protection and having knowledge and experience in administering institutions dealing with such matters. This Chairman will be nominated by the Central Government.
- It shall have a full-time Secretary, who shall have the qualifications, knowledge and experience of scientific, engineering and

management aspects of environmental protection. The Secretary will be appointed by the Central Government.

- It shall have not more than five officials nominated by the Central Government to represent that Government.
- It shall not have more than five members nominated by the Central Government, chosen from among the members of the State Boards.
- It shall not have more than three officials who represent the interests of the fishery, agriculture, or any other industry or trade, which the Government may think fit to be represented.
- It shall have 2 persons from the companies or corporations, owned,

managed or controlled by the Central Government, nominated by that Government.

Functions of the Central Board

Section 16 lays down the functions of the Central Board-

- The Board shall make efforts for the prevention, abatement and control of air pollution in the country and may advise the Central Government on the same.
- It shall plan and implement a nationwide programme for the prevention, control and abatement of air pollution.
- It shall coordinate the activities of the States and shall resolve the disputes

that arise between them.

- It shall provide technical assistance to the Boards, carry out investigations and research relating to air pollution.
- It shall plan and implement training programmes for the persons to be involved in those programmes.
- It shall help combat air pollution through a mass media programme.
- It shall collect, compile and publish statistical data relating to air pollution and shall also prepare manuals, codes or guides relating to measures to combat air pollution.
- It shall lay down standards for the quality of air and shall perform other functions as prescribed.

- The Board shall also set up a laboratory or multiple laboratories to enable the Board to perform its functions effectively.

Powers of the Boards

- **Power to give directions:** Section 18 states that the Central Board shall follow the directions of the Central Government while the State Boards shall follow the directions of the respective State Governments. Where a decision of the Central Board and a State Government direction are conflicting, the matter shall go to the Central Government for resolution.
- Where the Central Government thinks that a grave emergency has arisen due to the State Board defaulting in

complying with the orders of the Central Board, then it can perform the functions of the State Board.

Section 31A prescribes that the Central Government may issue directions to any person, officer or authority and such party shall be bound to follow the directions. These instructions should be within the powers and functions of the Board, and include–

- Closure, prohibition, regulation of any industry, process or operation.
- Stoppage or regulation of supply of water, electricity, or any other service.

Power to declare air pollution control areas: Section 19 of the Act states that the State Government, after consulting the State Board, may declare an area within the State as an ‘air pollution area’. The

State Government may also order for the extension or reduction of an air pollution area or may even merge one or more areas to make a new pollution area or any part or parts thereof.

The State Government after consulting the State Board, may also by notification in the Official Gazette, prohibit the use of any fuel or appliance that may cause or is likely to cause air pollution. The State Government may also prohibit the burning of any material (which is not a fuel) if it causes or is likely to cause air pollution. This is also done after consultations with the respective State Board.

Power to give restrictions for ensuring standards for emissions from automobiles: Section 20 states that the State Government may, after consulting the State Board, issue instructions to the authority responsible for the registration

of vehicles under the Motor Vehicles Act 1939 and such authority shall be bound to follow these instructions. This is done to ensure that the standards of emission prescribed under Section 17(1)(g) are complied with.

Restrictions on use of certain industrial plants: Section 21 talks about setting up of industrial plants in compliance and with the consent of the respective State Board. It prescribes the procedure for making an application to the Board, for which a decision has to be made and intimated to the applicant regarding whether he has permission to set up the plant or not. The conditions are also given for setting up the plant. These should be complied with, otherwise, the permission for the plant can be revoked. The conditions under Section 21(5) are-

- The necessary control equipment as

stipulated by the State Board has to be installed in the plant. This equipment has to be changed according to the decisions and instructions of the State Board. The equipment has to be kept in good running condition.

- Chimneys should be erected when and where the Board so directs.

Persons carrying on industry, etc., not to allow emission of air pollutants in excess of the standard laid down by State Board: Section 22 states that no person heading an industry shall emit any excess amount of emissions than the standards set out by the State Board.

Power of Board to make application to Court for restraining a person from causing air pollution: Under Section 22A, when the Board believes that there is excess emission being caused by a

person running an industrial plant in any air pollution area, then the Board can make an application before the Court to restrain him from doing the same.

Furnishing of information to State Board and other agencies in certain cases: Under Section 23, where any emission over the prescribed limit occurs due to an accident or unforeseen event, the person operating the industrial plant shall report about the facts of the same to the State Board and other relevant authorities, to which they shall take remedial action as soon as possible.

Power of entry and inspection: Under Section 24, a person authorised by the State Board shall have the power to gain entry into any place for carrying out the performance of any of the functions assigned to him. He may examine and inspect any control

equipment, industrial plant, record, register or any other document or object or any place which he has reason to believe was used for the commission of any offence under this Act. the person in charge of these equipment, plants, record etc shall assist the person from the State Board to perform the functions. Not doing so, will be an offence.

Power to obtain information: In Section 25, it is stated that the State Board or any person empowered under it shall have the power to call the person operating such plant or control equipment about any information regarding the type of air pollutant and the amount of emissions released by such plant or equipment. It shall also carry out inspections for verifying the same.

Power to take samples from air or emission and procedure to be

followed: Section 26(1) states that samples of air or emissions may be taken from any chimney, flue, duct or any outlet as prescribed. The samples shall be admissible in legal proceedings only on the compliance of conditions laid down in Section 26(3) and 26(4). These are-

- The person taking the sample shall notify the occupier or agent of such occupier, of the place from where the sample has been taken.
- The sample shall be collected in the presence of the occupier or his agent.
- The sample shall be placed in a container, marked and sealed. The container shall be signed by both the person taking the sample and the occupier or his agent. This sample shall be sent to labs for testing and analysis.

In a condition where the occupier or agent wilfully absents himself, then the sample shall be put into the container and be signed by the person taking the sample only. In a condition where the sample is being taken in the presence of the occupier or agent, and such occupier or agent refuses to sign the container, the person taking the sample shall sign the container.

