Constraints of State Pollution Control Boards

Why in news?

This article unpacks three key institutional constraints under which the State Pollution Control Boards (SPCBs) in the Indo-Gangetic Plain function, and discusses their implications on air quality governance in India.

Who are the protagonists?

- In the fight against air pollution in the Indo-Gangetic Plain, the main protagonists are India's frontline environmental regulators.
    1. The State Pollution Control Boards (SPCBs) in the states, and
    2. The Pollution Control Committees (PCCs) in the UTs.
- Their primary role is to **regulate emissions from point sources** such as industries and power plants that contribute substantially to ambient air pollution in urban and rural areas.
- More recently, they have been tasked with **guiding cities** in meeting targets under the National Clean Air Programme and spending Finance Commission grants for air quality improvements.

What is the enhanced mandate?

- The SPCBs were initially constituted under the Water (Prevention and Control of Pollution) Act, 1974.
- Under the Air (Prevention and Control of Pollution) Act, 1981, the SPCB mandate was expanded to include air quality management.
- Subsequently, several new environmental regulations added to their roles and functions.
- **The gap** - Unfortunately, this enhanced mandate has not been matched with increased capacity and capability in the Boards.
- As environmental indicators such as air quality and water quality worsen in many parts of the country, the Boards are evidently failing to effectively discharge their statutory mandate.
- The key institutional constraints under which the SPCBs function are
    1. On board composition,
    2. On SPCB leadership, and
    3. On staff number.

What is the constraint on board composition?

- The Boards are multi-member bodies headed by a chairperson and a member-secretary.
- Their decisions and policies guide the day-to-day functioning of the organisation.
- But, the composition of SPCBs is a matter of serious concern as important stakeholders and those with crucial expertise are missing in most States.
- Over 50% of the Board members across the 10 SPCBs and PCC studied represent potential polluters: local authorities, industries, and public sector corporations.
- They are subject to the SPCB's regulatory measures, and their presence raises fundamental

questions around conflicts of interest.
- At the same time, scientists, medical practitioners, and academics constitute only 7% of the Board members.
- Also, most Boards do not meet the statutory requirement of having at least two Board members who have knowledge of, and experience in, air quality management.
- The lack of expertise and skewed representation of stakeholders on the Boards can only be a hindrance to effective policy making.

What is the constraint on SPCB leadership?

- The SPCB leadership - the chairperson and the member secretary - do not enjoy a long, stable, and full-time tenure.
- In many States, persons in these two posts hold an additional charge in other government departments.
- Data also show that several chairpersons and member secretaries have held their posts for less than a year.
- With the focus of the leadership of SPCB spread thin across multiple roles and their tenures being short, often they do not even have the time to understand their mandate fully before they are moved out.

What is the constraint on staff number?

- The SPCBs are critically under-staffed. At least 40% of all sanctioned posts are vacant across nine SPCBs/PCCs for which there is data.
- An inadequate staff strength forces the Boards to recast their priorities among their various functions.
- This has significant implications on pollution regulation as vital functions such as monitoring industrial compliance, initiating enforcement actions in case of violations, and standard setting.
- Less staff strength also means weaker regulatory scrutiny and poor impact assessment.

What is needed?

- Without essential capacity, capability, expertise, and vision in our frontline regulators, sustained and substantial gains in air quality are virtually impossible.
- So, the priority should be on improving the existing structure of the SPCBs by removing these constraints.

Reference

1. The Hindu | The weakest link in the air pollution fight
2. The Central Pollution Control Board

Quick Facts

Central Pollution Control Board (CPCB)

- The Central Pollution Control Board (CPCB) is a statutory organization that was constituted in 1974 under the Water (Prevention and Control of Pollution) Act, 1974.
- Further, CPCB was entrusted with the powers and functions under the Air (Prevention and

Control of Pollution) Act, 1981.

- It serves as a field formation and also provides technical services to the Ministry of Environment, Forest and Climate Change (MoEFCC) under the Environment (Protection) Act, 1986.
- CPCB has its head office in New Delhi, with seven zonal offices and 5 laboratories.
- **Composition** - The board is led by its Chairperson, who is generally a career civil servant from the IAS appointed by the Appointments Committee of the Cabinet of the Government of India.
- **Functions** - The board advises the central government to prevent and control water and air pollution.
- It conducts environmental assessments and research.
- It co-ordinates the activities of the State Pollution Control Boards by providing technical assistance and guidance and also resolves disputes among them.
- It is responsible for maintaining national standards under a variety of environmental laws, in consultation with zonal offices, tribal, and local governments.
- It has responsibilities to conduct monitoring of water and air quality, and maintains monitoring data.
- The agency also works with industries and all levels of government in a wide variety of voluntary pollution prevention programs and energy conservation efforts.

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