



FACULTY OF JURIDICAL SCIENCES

COURSE: LL.B.

Semester: IV

SUBJECT: Environmental Laws

SUBJECT CODE: LLB404

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Lecture-16



LECTURE 16: Functions of CPCB and SPCB under The Air Act,1981

Functions of Central Board (Section 16)

- (a) advise the Central Government on any matter concerning the improvement of the quality of air and the prevention, control or abatement of air pollution;
 - (b) plan and cause to be executed a nation-wide programme for the prevention, control or abatement of air pollution;
 - (c) co-ordinate the activities of the State and resolve disputes among them;
 - (d) provide technical assistance and guidance to the State Boards, carry out and sponsor investigations and research relating to problems of air pollution and prevention, control or abatement of air pollution; 12(dd) perform such of the function of any State Board as may, be specified in and order made under sub-section (2) of section 18;
 - (e) plan and organise the training of persons engaged or to be engaged in programmes for the prevention, control or abatement of air pollution on such terms and conditions as the Central Board may specify;
 - (f) organise through mass media a comprehensive programme regarding the prevention, control or abatement of air pollution;
 - (g) collect, compile and publish technical and statistical data relating to air pollution and the measures devised for its effective prevention, control or abatement and prepare manuals, codes or guides relating to prevention, control or abatement of air pollution;
 - (h) lay down standards for the quality of air.,
 - (i) collect and disseminate information in respect of matters relating to air pollution;
 - (j) perform such other functions as may be prescribed.
- (3) The Central Board may establish or recognise a laboratory or laboratories to enable the Central

Board to perform its functions under this section efficiently.

(4) The Central Board may-

(a) delegate any of its functions under this Act generally or specially to any of the committees appointed by it;

(b) do such other things and perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes Of this Act.

Functions of State Boards (Section 17)

(1) subject to the provisions of this Act, and without prejudice to the performance of its functions, if any, under the Water (Prevention and Control of Pollution) Act, 1974 (Act 6 of 1974), the functions of a State Board shall be-

(a) to plan a comprehensive programme for the prevention, control or abatement of air pollution and to secure the execution thereof-

(b) to advise the State Government on any matter concerning the prevention, control or abatement of air pollution;

(c) to collect and disseminate information relating to air pollution;

(d) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of air pollution and to organise mass-education programme relating thereto;

(e) to inspect, at all reasonable times, any control equipment, industrial plant or manufacturing process and to give, by order, such directions to such persons as it may consider necessary to take steps for the prevention, control or abatement of air pollution;

(f) to inspect air pollution control areas at such intervals as it may think necessary, assess the quality of air therein and take steps for the prevention, control or abatement of air pollution in such areas;

(g) to lay down, in consultation with the Central Board and having regard to the standards for the quality of air laid down by the Central Board, standards for emission of air pollutants into the atmosphere from industrial plants and automobiles or for the discharge of any air pollutant into the atmosphere from any other source whatsoever not being a ship or an aircraft:

Provided that different standards for emission may be laid down under this clause for different industrial plants having regard to the quantity and composition of emission of air pollutants into the atmosphere from such industrial plants;

(h) 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;

(i) to Perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government;

(j) to do such other things and to perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes of this Act.

(2) A State Board may establish or recognise a laboratory or laboratories to enable the State Board to perform its functions under this section efficiently.

In **K. Muniswamy Gowda v State of Karnataka**, the Karnataka High Court ordered that the State Board is, under Section 18, to abide by the order issued by the government which relates to Section 17, Air (Prevention and Control of Pollution) Act, 1981. The State Government cannot give directions to the State Board which has not been mentioned under Section 17 of the Act and the Board is also not bound to carry out such orders. In this case, the State Government precluded the rice-mills from the jurisdiction of the Air (Prevention and Control of Pollution) Act, 1981. A rice-mill was causing air pollution from husk and dust production by the operation of the mill. Residents of the nearby area filed a writ against the State and the State Board, as the air pollution produced by the rice-mill violated the right to life provided under Article 21 of the Constitution. The court ordered for the closure of the mill and declared that the State Government has no power to preclude any industry which causes air pollution from the operation of the Act.

