

A Study on “Air Pollution and Control” In India

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Abstract- Air is the natural gift to all living organisms. It is the most essential ingredient of life. Entire living creatures on the earth cannot live without air. Air is the mixture of gases that forms earth's atmosphere. The natural or fresh Air contains 20.95% Oxygen, 78% of Nitrogen, 0.03% of Carbon dioxide and 0.93% of organ and negligible quantities of Ozone, Hydrogen sulfide, sulphur dioxide and carbon-monoxide varies between 0 and 0.09%. If this ratio is disturbed owing to presence of any foreign substance in it, the air cannot be said to be fresh air. Rather, it would be polluted or contaminated air, unfit for use. To maintain the good quality of Air and control of Air pollution, the Indian Parliament enacted the Air (Prevention and Control of Pollution) Act 1981. This Act was passed by the Indian Parliament in the exercise of its powers conferred Under Article 253 of the Constitution. The Aims and Objects of the Act provide, “Where decisions were taken at the United Nations Conference on Human Environment held at 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 decision aforesaid in so far as they relate to the preservation of the quality of air and control of air pollution. Thus the act was passed to fulfill an international obligation.

In view of tackling the Air pollution problem of the air act provides that Central Pollution Control Board and State Pollution Control Board are established in India. The importance and objectives of control of air pollution has been discussed briefly as below. Many Bodies and Boards at National and International level have been formed and these are playing an important role in controlling of air pollution.

Key Words: Air pollution, Central board, State Board, Air pollution act and rules Constitution of committee, Function of boards,

I. INTRODUCTION

Polluted Air is that air in which is smell and noise present in any solid, liquid or gaseous substance including noise and smell in such proportion or concentration that it tends to be injurious to human beings or other living creatures or plants or property or environment- section 2(a). The dominant factor for air pollution is the emergence of industrial pollutants, discharges of automobiles, lung cancer, asthma, bronchitis etc, Smog is very dangerous pollutant which develops due to combination of smog with fog. It affects not only human health but also materials and plants. The part of the body which is affected most by smog is respiratory system.

Agriculture activities also pollute air, Industrial activities pollute air mainly with gaseous and inorganic particles but agricultural activities do so with fungi, bacteria, viruses, algae and insects. These are biologically significant materials called bio-particulate matter or bio-pollutants and the effects produced by them are known as bio-pollution. In addition to these excessive uses of fertilizers, insecticides and pesticides also cause air pollution.

II. 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, {Sec-2(a)}

“Air Pollution” means the presence in the atmosphere of any air pollutant. {Sec.2(B)}

Thus Air pollutants include smoke, soot, heat, fly ash, suspended particulate matter (SPM), noise, radioactive substances, vibrations etc.

III. OBJECTIVES

- ❖ To provide for the prevention, control and abatement of air pollution.
- ❖ For the establishment of boards with a view to carry out the above mentioned purposes.
- ❖ To confer on and assign to such Board powers and functions relating to prevention, control and abatement of air pollution and other matters connected thereto

International Journal of Science, Engineering and Management (IJSEM)
Vol 1, Issue 3, July 2016

- ❖ To lay down the standards to maintain the quality of air.

IV. SCOPE AND APPLICATION OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT

The Air (Prevention and control of pollution) Act 1981 came into forces on 16th may 1981. It extends to the whole of India (Section) 1 (2) including Jammu and Kashmir. The statute is of general significance and that is why Jammu and Kashmir has not been excluded from its purview, It will come into operation when it is proved that an activity results in air pollution, schedule IV of the environment protection rules 1986, framed under the act, provides when air shall be deemed to be polluted by smoke or vapour from motor vehicles.

V. REVIEW OF LITERATURE CASE STUDIES;

The following are the case studies furnished relating to Air Pollution

- ❖ Krishna Gopal v. State of M.P... (1986) Cri 1 j 398 (MP)
- ❖ Ajeet Mehta (Smt) v State of Rajasthan. 1990 Cri L J 1956
- ❖ M.K.Sharma v Bharat Electronics Ltd, (1989)3SCC 231 ;1987 SCC (Cri)479
- ❖ Shobana Ramasubramanyam v Member-Secretary, CMDA, AIR 2002 Mad 125.
- ❖ M.C.Mehta v. Union of India, (1997)2SCC 353
- ❖ (1997) 2 SCC 353; also see A.F.D&C Ltd v Orissa State (Prevention and control of pollution, AIR 1995 Orissa 84
- ❖ Bihar State Pollution central Board v Hiranand stone Works AIR 2005 Pat 62
- ❖ Chaitanya Pulverizing Industry v Karnataka State Pollution control Board, AIR 1987 Kant 82

VI. SIGNIFICANCE- IMPORTANT TERMS

A) Air Pollutant;- 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

b) Air Pollution;- 'Air Pollution' means the presence in the atmosphere of any air pollutant

c) Approved appliance;- 'Approved appliance' means any equipment or gadget used for the burning of any combustible materials or for generating or consuming any fume, gas or particulate matter and approved by the state board for the purpose of this act.

d) Approved Fuel;- 'Approved fuel' means any fuel approved by the state board for the purposes of this Act

e) Automobile; - 'Automobile' means any vehicle powered either by internal combustion engine or by any method of generating power to drive each vehicle by burning fuel.

f) Board;- 'Board' means the Central Board or State board.

g) Central board;- 'Central Board' means the Central Pollution Control Board constituted under section 3 of the water (prevention and control of pollution) Act 1974

h) Chimney;- 'Chimney' includes any structure with an operating or outlet from or through which any air pollution may be emitted.

i) Control Equipment;- 'Control equipment' means any apparatus, device equipment or system to control the quality and manner of emission of any air pollution and includes any device used for securing the efficient operation of any industrial plant.

j) Emission;- 'Emission' means any solid or liquid or gaseous substance coming out of any chimney, duct or flue or any other outlet.

k) Industrial Plant;- 'Industrial plant' means any plant used for any industrial or trade purpose and emitting any pollutant into the atmosphere.

l) Member;- 'Member' means a member of the Central Board or State Board as the case may be and includes the chairman thereof.

m) Occupier;- 'Occupier' in relation to any factory or premises means the person who has control over the affairs of the factory or premises and includes in relation to any substance, the person in possession of the substance.

n) Prescribed;- 'Prescribed' means prescribed by rules made under this act by the Central Government or as the case may be, State Government.

VII. RESULT AND DISCUSSION

Prevention and control of Air pollution;

International Journal of Science, Engineering and Management (IJSEM)
Vol 1, Issue 3, July 2016

There are two boards are formed by the Central Government to prevent and control the air pollution. Let us discuss the important functions of both the boards as below.

a) Powers and function of Central board

- a) Advise the Central Government on any matter concerning the improvement of the quality on air and the prevention, control or abatement of air pollution.
- b) Plan and cause to be executed a nationwide programme for the prevention, control or abatement of air pollution;
- c) Co-ordinate the activities of the State Boards and resolve disputes among them
- d) Provide technical assistance and guidance to the state boards, carry out and sponsor for investigation and research relating to problems of air pollution and prevention, control or abatement of air pollution;
- e) Plan and organize 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) Organize through mass media a comprehensive programme for the prevention, and 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.

b) Powers and function of State Board

- a) To plan 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 and abatement of air pollution;
- c) To collect and disseminate information relating to air pollution;
- d) To collaborate with the central board in organizing the training of person engaged or to be engaged in programmes relating to prevention control or

abatement of air pollution to organize 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 abatement of air pollution;
- f) To inspect air pollution control area at such intervals as it may think necessary, assess the quality 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 standard for the quality of air laid down by the Central board, standards for emission of Air pollution into the atmosphere from industrial plants and automation or for the discharge of any air pollutant into atmosphere from any other sources whatsoever not being a ship or an aircraft; however different standards for emission may be laid down for different industrial plants having regards 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 Board or 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 in to effect the purposes of this act,
 The State Board, for the performance of its functions efficiently, may establish or recognize a laboratory or laboratories {Section 17 (2)}

VIII. FINDINGS-MEASURES TO PREVENT AND CONTROL AIR POLLUTION

1. Power of the state Government to prevent and control air pollution U/S 19, 20, 28, and 29 to contain and control air pollution.
2. Power to declare the air pollution control areas and form State Air Laboratory

International Journal of Science, Engineering and Management (IJSEM)

Vol 1, Issue 3, July 2016

3. Power to give instructions for ensuring standards for emission from 'Automobiles'
4. Power of the State Government to appoint "Government Analyst"
5. Powers of the State Board to Prevent, Control Air pollution
6. Power to give permission to operate industrial plant in an "Air pollution control area"
7. Power of the Board to make application to court for restraining persons causing Air pollution
8. Power of the Board to take remedial measures on receiving information of emission of air pollution and Power to give direction
9. Power of entry and inspection and Power to obtain information
10. Power to take samples of air or emission and the procedure to be followed.

IX. PENALTIES AND PUNISHMENT

1. Section 37 provides for the offences u/s 21,22 and 31-A of the act-Punishment with imprisonment which shall not be less than one year and six months and which may extend to 6 years and with fine.
2. U/S 40 provides that where an offense has been committed by the company.
 - a) Where an offence under this act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of and was responsible, to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly however, nothing contained in this sub section shall render any such person liable to any punishment provided in this act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.
 - b) Notwithstanding anything contained in sub section (1), where an offence under the act, has been committed by a company and it is provide that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director,

manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

3. *Offence by Government Departments*

- a) Where an office under this act has been committed by any department of Government, the head of the department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. However , nothing contained in this section shall render such head of the department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercises all due diligence to prevent the commission of such offence.
- b) Notwithstanding any think contained in sub section (1) where an offence under this act has been committed by a department of Government and it is proved that the offence has been committed with the consent or connivance of , or is attributable to any neglect on the part of, any officer other than the head of the department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly (sec41)

X. CONCLUSION

At present scenario many diseases have been shredded through Air pollution .The central and state board are forced to take all remedial measures to control air pollution throughout our country. There may be many more act which can be strictly instigated by the State and central Government to control air pollution and also has to bring more public awareness to control the air pollution to make a prosperous nation.

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International Journal of Science, Engineering and Management (IJSEM)
Vol 1, Issue 3, July 2016

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