
Chapter II

Responsibilities of different departments and agencies

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2.1 Pollution Control Boards at the Centre and State

The Central Pollution Control Board is the apex advisory body of the Central Government and provides technical services to the Ministry of Environment and Forests in connection with the provisions of the Environment (Protection) Act, 1986. The PCBA, constituted in 1975, is the main agency responsible for the administration and enforcement of Acts and Rules pertaining to environment in the state of Assam. It is responsible for formulation of policies regarding environment protection and other functions including inspection of industries and hospitals, monitoring of water bodies, waste water and air quality. It is also responsible for coordination with various agencies and initiation of action as per law in respect of any other matter of non-compliance pertaining to pollution.

The PCBA consists of 17 members who are nominated by the State Government. Besides the Chairman and the Member Secretary, there are seven official members representing various State Government Departments and eight members representing corporations, local authorities and other institutions.

The PCBA functions with one Head Office at Guwahati, eight Regional Offices² and a Central Laboratory of the Pollution Control Board, Assam located at Guwahati itself. In addition there are four more Regional Laboratories established in other districts³.

The responsibility for monitoring and controlling pollution in Assam under the provisions of various Acts such as the Water (Prevention and Control of Pollution) Act, 1974 and the Water (Prevention and Control of Pollution) Assam Rules, 1977, Air (Prevention & Control of Pollution) Act, 1981, Environment (Protection) Act, 1986, is vested in the PCBA. The PCBA exercises its role mainly through conditions imposed while granting Consent for projects to be established and operated in the State. Under the Water Act, these conditions regulate the quality and quantity of effluent, the location of discharge and the frequency of monitoring of effluents. Under the Air (Prevention & Control of Pollution) Act, 1981 consent of the Board is mandatory for releasing emissions to the atmosphere. Once the industry or process plant is established and the required pollution control systems are put in place, the entrepreneur is required to obtain consent to operate the unit. The consent is given for a particular period, which is mandatory to be renewed regularly. Fees are charged by the PCBA for issue of Consents and regular inspections are required to be carried out to ensure compliance by the entrepreneurs.

² Guwahati, Dibrugarh, Sibsagar, Golaghat, Tezpur, Nagaon, Bongaigaon and Silchar.

³ Sivsagar, Tezpur, Silchar and Bongaigaon.

For implementing its mandate, the PCBA earns revenue comprising of Grants in aid from MoEF/CPCB, State Government, reimbursement of water cess, consent fee, authorisation fee, interest earned, etc. A summary of receipt and expenditure of PCBA during 2010-15 is shown below:

Table: 2.1
PCBA Total Receipts (in ₹crore)

Year	Grants-in-aid from MoEF/CPCB	Grants-in-aid from State Govt.	Consent fee	Authorisation Fee	Others including interest earned	Total receipts
2010-11	1.97	0.46	17.39	0.29	3.33	23.44
2011-12	0.07	0.46	16.25	0.23	1.73	18.74
2012-13	0.99	0.20	18.52	0.69	5.52	25.92
2013-14	1.09	0.20	16.24	0.35	2.35	20.23
2014-15	0.78	0	16.06	0.57	2.07	19.48
Total						107.81

Source: Information furnished by PCBA

The receipts would have been more as the above amounts did not include approximately ₹48.06 lakh water cess per year as assessed by the PCBA itself which it failed to collect from 84 local bodies in Assam.

It may be mentioned that the receipts consistently exceeded the expenditure every year from 2010-11 to 2014-15. As against the total receipts of ₹107.81 crore during the period 2010-15 the PCBA spent a total of ₹ 70.60 crore during the same period as indicated below:

Table: 2.2
Expenditure on pollution control measures (₹ in crore)

Year	Opening Balance	Total receipts	Expenditure				Unspent Balance
			Pollution Control related	Capital Expenditure	Admin related	Total	
2010-11	24.59	23.44	0.27	0.47	11.40	12.14	35.89
2011-12	35.89	18.74	0.42	0.24	10.16	10.82	43.81
2012-13	43.81	25.92	0.55	0.58	11.85	12.98	56.75
2013-14	56.75	20.23	0.65	2.59	13.27	16.51	60.47
2014-15	60.47	19.48	0.14	0.88	17.13	18.15	61.80

Source: Information furnished by PCBA

It is evident that although the available funds at its disposal rose from ₹ 35.89 crore at the end of 2010-11 to ₹ 61.80 crore at the end of 2014-15, the PCBA's annual expenditure ranged between a mere ₹ 10.82 crore and ₹ 18.15 crore during the same period.

For carrying out its mandate, the PCBA has strength of 88 technical and 130 non-technical staff (Details in *Appendix I*). For an organisation whose main objective is inspection of industries and hospitals, monitoring of water bodies, waste water and air quality, the number of technical staff as compared to the non-technical staff was observed to be very low. Comparatively, the Central Pollution Control Board had a technical staff of 334 and non-technical staff of 190 (as per Annual Report of CPCB for the year 2011-12). Further, the administrative expenditure ranged between 80.38 and 94.38 *per cent* during the five years under audit while the expenditure on pollution control measures did not even touch *five per cent* of the total expenditure of the PCBA during the same period.

The results of this inadequate expenditure on the part of the PCBA are brought out in the subsequent chapters.

2.2 State Bio-diversity Board

Biological diversity is the variability among living organisms and their habitats including diversity within species and of the ecosystems. The growing concern for environmental degradation and depletion of biological diversity world-wide led to the establishment and adoption of the Convention on Biological Diversity (CBD) in 1992. This Convention recognised the sovereign rights of the States over their biological resources. With this objective the Government of India enacted the Biological Diversity Act, in 2002. The Act provides for conservation of Biological Diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of commercial use of biological resources and associated traditional knowledge.



Assam's Biodiversity

The Act was to be implemented through three functional bodies, *viz.*, the National Biodiversity Authority (NBA) established in 2003 with its headquarters in Chennai (Tamil Nadu) at the National level, State Biodiversity Boards (SBBs) at State level and Biodiversity Management Committees (BMCs) at the level of local communities.

It was observed in Audit that though the GoA established the Assam State Biodiversity Board (ASBB) on 29 September 2010 albeit after a lapse of more than eight years from the enactment of Central Act, the database on biodiversity resources in the State had not been prepared by the State Biodiversity Board till March 2015. Besides:

- The Peoples Biodiversity Register (PBR) was to be prepared by all the 166 Biodiversity Management Committees (BMC)⁴ in the State. However, as of March 2015 the PBR in respect of only six *Anchaliks* (five in Nagaon District and one in Morigaon) had been prepared.
- Biodiversity Heritage Sites in the State had not been identified and declared.
- Endangered/threatened species had not been notified by the State Government.

2.3 Other Departments and agencies

While the responsibility for monitoring and controlling pollution in Assam rests with the PCBA, various Departments also play a significant role in maintaining the quality of land, air and water in the State:

- The Forest Department looks after policy planning, coordination, conservation, environmental education, eco-development and restoration of degraded and vulnerable eco-systems.
- The Guwahati Municipal Corporation is responsible for management of solid waste and treatment of sewage water.
- The Jal Board (JB), Public Health Engineering Department (PHED) and GMC are responsible for providing safe drinking water.
- The Transport Department enforces the provisions of the Motor Vehicle Act, 1989 pertaining to air pollution.

⁴ BMC shall have seven persons nominated by the local body of whom not less than one third shall be women. The Chairperson of BMC shall be elected from amongst the members of the Committee.