

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
UNSTARRED QUESTION NO. 2530
TO BE ANSWERED ON 18.12.2023

Notices issued by NGT

2530. DR. T. R. PAARIVENDHAR:

Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to state:

- (a) whether the National Green Tribunal (NGT) has recently issued notices to State Governments seeking details on the functioning of their respective State Pollution Control Boards (SPCBs) or State Pollution Control Committees (SPCCs);
- (b) if so, the details thereof;
- (c) the total number of SPCBs or SPCCs have compiled the notification of the NGT and responded, as on date; and
- (d) the total number of environmental lab set up/run by the Government for environmental testing in various States, State-wise?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(SHRI ASHWINI KUMAR CHOUBEY)

(a) to (c):

In the SuoMotu Matter of Original Application (O.A) 693 of 2023, the Hon'ble National Green Tribunal (NGT), Principal Bench has issued Notice on November 06, 2023 to Central Pollution Control Board (CPCB) and Ministry of Environment, Forest and Climate Change (MoEF&CC) to provide data with regard to SPCBs based on the News Item appeared in Deccan Herald on October 24, 2023 entitled "Pollution Control Boards are the Weak link". Accordingly, CPCB has submitted report to the Hon'ble NGT based on the inputs provided by the respective SPCB /PCC on 22.11.2023.

In this regard, the Hon'ble NGT has issued further order on November 23, 2023 to the respective SPCB /PCC to file their reports through the respective Principal Secretary, Department of Environment & Forests showing the following:

1. Sanctioned and working strength of staff including the ratio of administrative, ministerial and technical staff
2. Regulating and monitoring facilities available along with the sanctioned strength and present working strength of staff of Labs
3. The infrastructure available in the labs and further need for equipment and infrastructure in those labs
4. The provisions made in laboratories for enforcement and monitoring of hotspots in critically polluted areas.

5. The availability of budget and its sources and expenditure in last two years (2020-2021 and 2021-2022).

The copy of the order is attached as **Annexure 1**.

(d):

The details of the Environmental Laboratories and their status of EPA recognition / NABL are as follow:

Details of Environmental Laboratories of SPCBs/PCCs

S. No	SPCBs	Central	Regional	Total	EPA	NABL
1	Andhra Pradesh	0	5	5	0	2
2	Arunachal Pradesh	1	1	2	0	0
3	Assam	1	4	5	0	1
4	Bihar	1	4	5	0	0
5	Chhattisgarh	1	6	7	0	0
6	Goa	1	0	1	0	1
7	Gujarat	1	8	9	1	4
8	Haryana	1	3	4	0	3
9	Himachal Pradesh	1	5	6	0	2
10	Jharkhand	1	4	5	0	0
11	Karnataka	2	7	9	1	0
12	Kerala	1	15	16	1	0
13	Madhya Pradesh	1	10	11	0	6
14	Maharashtra	1	7	8	5	3
15	Manipur	1	0	1	0	0
16	Meghalaya	1	0	1	0	1
17	Mizoram	1	0	1	0	0
18	Nagaland	1	0	1	0	0
19	Odisha	1	14	15	0	1
20	Punjab	1	2	3	0	0
21	Rajasthan	1	12	13	0	2
22	Sikkim	1	0	1	0	0
23	Tamil Nadu	1	17	18	1	2
24	Telangana	1	2	3	1	0
25	Tripura	1	3	4	0	0
26	Uttarakhand	1	4	5	0	0
27	Uttar Pradesh	1	22	23	1	11
28	West Bengal	1	5	6	1	1
Sub- Total (A)		28	160	188	12	40

S. No	SPCBs	Central	Regional	Total	EPA	NABL
S. No	PCCs	Central	Regional	Total	EPA	NABL
1	Andaman & Nicobar Islands	0	0	0	0	0
2	Chandigarh	0	1	1	0	0
3	Dadra & Nagar Haveli and Daman & Diu	0	0	0	0	0
4	Delhi	1	0	1	0	0
5	Jammu & Kashmir	1	1	2	0	0
6	Ladakh	0	0	0	0	0
7	Lakshadweep	0	0	0	0	0
8	Puducherry	1	1	2	0	1
Sub- Total (B)		3	3	6	0	1
Grand Total (A+B)		31	163	194	12	41

The above table reveals that the total 194 Environmental Laboratories are established in the SPCBs /PCCs, where 31 Central Labs and 163 Regional Labs. Out of 194 Labs, 12 Labs has obtained EPA recognition and 41 Labs has obtained NABL accreditation. All EPA labs also have NABL accreditation.

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 693/2023

In re: News item appearing in Deccan Herald dated 24.10.2023 titled
“Pollution control boards are the weak link”

Date of hearing: 23.11.2023

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Amit Singh Chauhan, Adv. for CPCB (Through VC)

ORDER

1. This OA is registered in *suo motu* exercise of power on the basis of the News Item titled **“Pollution control boards are the weak link”** appearing in Deccan Herald dated 24.10.2023.

2. The news item states that the State Pollution Control Board (SPCB) as also Central Pollution Control Board (CPCB) have miserably failed to effectively contribute in curbing the pollution. It is stated that the PCBs across India are in a state of a shambles, though in course of time, their mandate has been expanded much beyond the water related issues. Referring to a working paper from the Centre for Policy Research, the report states that the SPCBs do not have the resources and capacity to perform the functions assigned to them under various laws due to inadequate sanctioned strength of personnel, high number of vacancies especially in technical positions, absence of proper training, lack of pollution monitoring and abatement equipment, absence of technically competent leadership, protracted enforcement mechanisms, insufficient funds and ineffectual spending.

3. The news item raises a substantial issue affecting the compliance of environmental laws.

4. Hence, we find it to be a fit case for consideration by registering OA in *suo-motu* exercise of power which is permissible in terms of the judgment of the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

5. On the basis of advance notice, a report on behalf of CPCB dated 22.11.2023 has been filed. A perusal of the said report reveals that the news report about insufficient staffing of the PCBs across the country is correct, as in the report of the CPCB following chart has been reproduced disclosing the status of manpower of SPCBs and PCCs:

"Status of manpower of SPCBs / PCCs

<i>S. No</i>	<i>State Pollution Control Boards</i>	<i>Sanctioned</i>	<i>In place</i>	<i>Vacant</i>
1	<i>Andhra Pradesh</i>	289	87	202
2	<i>Arunachal Pradesh</i>	29	27	2
3	<i>Assam</i>	264	176	88
4	<i>Bihar</i>	249	47	202
5	<i>Chhattisgarh</i>	328	241	87
6	<i>Goa</i>	140	127	13
7	<i>Gujarat</i>	831	497	334
8	<i>Haryana</i>	450	165	285
9	<i>Himachal Pradesh</i>	371	221	150
10	<i>Jharkhand</i>	271	73	198
11	<i>Karnataka</i>	723	290	433
12	<i>Kerala</i>	459	224	235
13	<i>Madhya Pradesh</i>	1228	459	769
14	<i>Maharashtra</i>	839	473	366
15	<i>Manipur</i>	120	47	73
16	<i>Meghalaya</i>	152	83	69
17	<i>Mizoram</i>	14	10	4
18	<i>Nagaland</i>	24	19	5
19	<i>Odisha</i>	442	179	263
20	<i>Punjab</i>	652	324	328
21	<i>Rajasthan</i>	808	332	476
22	<i>Sikkim</i>	18	12	6
23	<i>Tamil Nadu</i>	987	590	397
24	<i>Telangana</i>	230	127	103

25	Tripura	28	24	4
26	Uttarakhand	130	51	79
27	Uttar Pradesh	732	407	325
28	West Bengal	309	178	131
Sub - Total (A)		11117	5490	5627

S. No	Pollution Control Committees	Sanctioned	In place	Vacant
1	Andaman and Nicobar Islands	9	6	3
2	Chandigarh	9	7	2
3	Dadra & Nagar Haveli and Daman & Diu	12	2	10
4	Delhi	344	111	233
5	Jammu & Kashmir	445	248	197
6	Ladakh	16	3	13
7	Lakshadweep	5	1	4
8	Puducherry	12	9	3
Sub - Total (B)		852	387	465
Grand Total (A+B)		11,969	5,877	6,092

6. The above chart clearly reveals that out of 11,969 sanctioned posts, only 5877 are filled and in many States such as, Gujarat, Himachal Pradesh, Maharashtra, Meghalaya, Mizoram, Nagaland, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, West Bengal, etc., the working strength in the SPCBs/PCCs is even less than half of the sanctioned strength.

7. Same is the position in respect of the laboratories of SPCBs and PCCs which is reflected in the report filed by CPCB in the chart form as under:

“Details of Environmental Laboratories of SPCBs/PCCs

S. No	SPCBs	Central	Regional	Total	EPA	NABL
1	Andhra Pradesh	0	5	5	0	2
2	Arunachal Pradesh	1	1	2	0	0
3	Assam	1	4	5	0	1
4	Bihar	1	4	5	0	0
5	Chhattisgarh	1	6	7	0	0
6	Goa	1	0	1	0	1
7	Gujarat	1	8	9	1	4
8	Haryana	1	3	4	0	3
9	Himachal Pradesh	1	5	6	0	2
10	Jharkhand	1	4	5	0	0

11	Karnataka	2	7	9	1	0
12	Kerala	1	15	16	1	0
13	Madhya Pradesh	1	10	11	0	6
14	Maharashtra	1	7	8	5	3
15	Manipur	1	0	1	0	0
16	Meghalaya	1	0	1	0	1
17	Mizoram	1	0	1	0	0
18	Nagaland	1	0	1	0	0
19	Odisha	1	14	15	0	1
20	Punjab	1	2	3	0	0
21	Rajasthan	1	12	13	0	2
22	Sikkim	1	0	1	0	0
23	Tamil Nadu	1	17	18	1	2
24	Telangana	1	2	3	1	0
25	Tripura	1	3	4	0	0
26	Uttarakhand	1	4	5	0	0
27	Uttar Pradesh	1	22	23	1	11
28	West Bengal	1	5	6	1	1
Sub- Total (A)		28	160	188	12	40

S. No	PCCs	Central	Regional	Total	EPA	NABL
1	Andaman & Nicobar Islands	0	0	0	0	0
2	Chandigarh	0	1	1	0	0
3	Dadra & Nagar Haveli and Daman & Diu	0	0	0	0	0
4	Delhi	1	0	1	0	0
5	Jammu & Kashmir	1	1	2	0	0
6	Ladakh	0	0	0	0	0
7	Lakshadweep	0	0	0	0	0
8	Puducherry	1	1	2	0	1
Sub- Total (B)		3	3	6	0	1
Grand Total (A+B)		31	163	194	12	41

8. The above chart reflects that in some of the States, the properly accredited laboratories are not there under the Environment Protection Act as Environmental Laboratories and in respect of some PCCs such labs even do not exist.

9. Tribunal in O.A. No. 95/2018 in the matter of *Aryavart Foundation Vs. M/s Vapi Green Enviro Ltd.* dated 05.02.2021 had issued following direction:-

“22. The directions on the subject are summed up as follows:

- i. *The Chief Secretaries of all States/UTs, in coordination with their respective Secretary Environment and Chairman State PCB/PCCs, need to forthwith study and address the issues emerging from the CPCB report, prepare and execute their respective action plans which will include filling up all vacant posts by competent persons and procuring the requisite equipment, including commissioning and upgradation of all laboratories and recognition under the EP Act, 1986. The CPCB may assist and monitor all the States for compliance of these directions. The steps in this regard be initiated and completed as far as possible within six months. In view of Section 33 of the NGT Act, 2010, whereunder the NGT Act has overriding powers over other statutes, any restriction placed by any administrative order will not stand in the way of carrying out this direction.*
- ii. *We direct the CPCB to prepare a format which may contain qualifications, minimum eligibility criteria, required experience for the key positions and the specifications of equipment. All States/UTs may act accordingly.*
- iii. *MoEF&CC and CPCB may design a mechanism for annual performance audit of all the State PCBs/PCCs.*
- iv. *It is suggested that if some of the State PCBs find it difficult to select/recruit suitable candidates, a designated Committee of the MoEF&CC and CPCB, in consultation with such State PCBs, may explore possibility of the central selection mechanism so that the talent pool so selected can be made available for posting at appropriate locations, where requirement is found to be otherwise difficult. A plan be prepared for continuous training of the incumbents at regional levels periodically.*
- v. *In view of the findings in the report that at some places administrative manpower is more than technical manpower, such situation may be reviewed and remedied by the concerned States.*
- vi. *The observations that the work of regulators should be fulltime for the incumbents appointed applies to all key positions, including Chairman/Member Secretary and Regional Officers, Engineers, Scientists of PCBs/PCCs. Such incumbents may not be given any other additional charge. Only exception can be in States where there are no significant environmental issues so as to provide the incumbents fulltime work. Such States may seek exemption in respect of this direction from CPCB, giving relevant information justifying such exemption.*
- vii. *CPCB and State PCBs/PCCs, as directed earlier, may utilise EC funds on laboratory set up/upgradation, and on the mentioned areas in the report as well as on approved District Environment Plans. No approval of*

Central/State Government will be necessary in this regard in view of section 33 of the NGT Act, supra.

- viii. Consistent with Digital India initiatives, MoEF&CC/MoJS/CPCB may consider setting up and periodically updating National Environment Data Grid (NEDG) linked to the State Environment Data Grids (SEDGs) DEDGs and further linked to available portals like online air/water quality, Sameer and other monitoring stations to facilitate analysis, research and planning on the subject. It may be further interlinked to initiatives like NMCG/Swachh Bharat/Jal Jeevan Mission.*
- ix. To assess the extent of monetary loss caused to the environment on account of violation of environmental norms by failure to scientifically manage waste, violating Water/Air/EP/Forest (Conservation) Acts and other specified Acts for fixing accountability, for improving efficiency and better enforcement of 'Polluter Pays' principle.*
- x. To monitor the extent of carrying capacity for particular activities at different locations for planning suitability of siting of particular activities for giving effect to 'Precautionary' and 'Sustainable Development' principles."*

10. In view of the above, we deem it proper to implead the following as respondents in this OA:

- 1) State of Andhra Pradesh through Principal Secretary, Department of Environment and Forest.
- 2) State of Arunachal Pradesh through Principal Secretary, Department of Environment and Forest.
- 3) State of Assam through Principal Secretary, Department of Environment and Forest.
- 4) State of Bihar through Principal Secretary, Department of Environment and Forest.
- 5) State of Chhattisgarh through Principal Secretary, Department of Environment and Forest.
- 6) State of Goa through Principal Secretary, Department of Environment and Forest.

- 7) State of Gujarat through Principal Secretary, Department of Environment and Forest.
- 8) State of Haryana through Principal Secretary, Department of Environment and Forest.
- 9) State of Himachal Pradesh through Principal Secretary, Department of Environment and Forest.
- 10) State of Jharkhand through Principal Secretary, Department of Environment and Forest.
- 11) State of Karnataka through Principal Secretary, Department of Environment and Forest.
- 12) State of Kerala through Principal Secretary, Department of Environment and Forest.
- 13) State of Madhya Pradesh through Principal Secretary, Department of Environment and Forest.
- 14) State of Maharashtra through Principal Secretary, Department of Environment and Forest.
- 15) State of Manipur through Principal Secretary, Department of Environment and Forest.
- 16) State of Meghalaya through Principal Secretary, Department of Environment and Forest.
- 17) State of Mizoram through Principal Secretary, Department of Environment and Forest.
- 18) State of Nagaland through Principal Secretary, Department of Environment and Forest.
- 19) State of Odisha through Principal Secretary, Department of Environment and Forest.
- 20) State of Punjab through Principal Secretary, Department of Environment and Forest.

- 21) State of Rajasthan through Principal Secretary, Department of Environment and Forest.
- 22) State of Sikkim through Principal Secretary, Department of Environment and Forest.
- 23) State of Tamil Nadu through Principal Secretary, Department of Environment and Forest.
- 24) State of Telangana through Principal Secretary, Department of Environment and Forest.
- 25) State of Tripura through Principal Secretary, Department of Environment and Forest.
- 26) State of Uttarakhand through Principal Secretary, Department of Environment and Forest.
- 27) State of Uttar Pradesh through Principal Secretary, Department of Environment and Forest.
- 28) State of West Bengal through Principal Secretary, Department of Environment and Forest.
- 29) Union Territory of Andaman & Nicobar through Principal Secretary, Department of Environment and Forest.
- 30) Union Territory of Chandigarh through Principal Secretary, Department of Environment and Forest.
- 31) Union Territory of Dadra & Nagar Haveli and Daman & Diu through Principal Secretary, Department of Environment and Forest.
- 32) Union Territory of Delhi through Principal Secretary, Department of Environment and Forest.
- 33) Union Territory of Jammu & Kashmir through Principal Secretary, Department of Environment and Forest.
- 34) Union Territory of Ladakh through Principal Secretary, Department of Environment and Forest.

- 35) Union Territory of Lakshadweep through Principal Secretary, Department of Environment and Forest.
- 36) Union Territory of Puducherry through Principal Secretary, Department of Environment and Forest.
- 37) Central Pollution Control Board's Central and Regional Laboratories through Secretary, MoEF&CC.

11. Let notice be issued to the above respondents.

12. The above respondents are directed to file their reports showing the sanctioned strength and working strength of staff in the concerned SPCBs/PCCs, CPCB the ratio of administrative, Ministerial and Technical staff in the SPCBs/PCCs, CPCB and the regulating and monitoring facilities which are available with the SPCBs/PCCs/CPCB. In respect of laboratories, the report will disclose the sanctioned strength and present working strength of staff, the infrastructure which is available in the labs and further need for equipment and infrastructure in those labs and the provisions made in laboratories for enforcement and monitoring of hotspots in critically polluted areas. The report should also include the availability of budget and its sources and expenditure in last two years (2020-2021 and 2021-2022). Let these reports be submitted within a period of 8 weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

13. List on 02.02.2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

November 23, 2023
Original Application No. 693/2023
DV