

The weakest link in the air pollution fight

In the fight against air pollution in the Indo-Gangetic Plain, there are several important protagonists, none more so than India's frontline environmental regulators, the State Pollution Control Boards (SPCBs), and the Pollution Control Committees (PCCs) in the Union Territories. 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 also been tasked with guiding cities in meeting targets under the National Clean Air Programme and spending Finance Commission grants for air quality improvements. In short, there is no future with clean air in which the SPCBs do not perform at the highest level possible.

An 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. 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.

Over the years, several reports that have been published, including those by the parliamentary standing committee and government committees, have identified reasons for the poor performance of the SPCBs. In a recently published series of papers by the Centre for Policy Research, we find that many of these reasons continue to afflict the SPCBs. This article unpacks three key



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institutional constraints under which SPCBs in the Indo-Gangetic Plain function, and discusses their implications on air quality governance in India.

Board composition as conflict of interest

First, the composition of SPCBs is a matter of serious concern as important stakeholders and those with crucial expertise are missing in most States. 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. 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 overwhelming presence raises fundamental questions around conflicts of interest.

At the same time, scientists, medical practitioners, and academics constitute only 7% of the Board members. What is even more worrying is that 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. Given the scale and causes of air pollution in India, multi-disciplinary expertise is needed to tackle it; there must also be an explicit focus on health while designing air pollution policy. The lack of expertise and skewed representation of stakeholders on the Boards can only be a hindrance to effective policy making.

Second, 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. For example, the shortest tenure for a chairperson has been 18 days (Chhattisgarh) and 15 days for a member secretary (Haryana and Uttar Pradesh). 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. In such a scenario, long-term policy planning, strategic interventions and effective execution aimed at reducing air pollution substantially are extremely difficult.

Staff running on empty

Third, the SPCBs are critically under-staffed. At least 40% of all sanctioned posts are vacant across nine SPCBs/PCCs for which there is data. Vacancy levels in technical positions are as high as 84% in Jharkhand, and over 75% in Bihar and Haryana. 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 are often not prioritised. Less staff strength also means weaker regulatory scrutiny and poor impact assessment. For example, given their workload, engineers in Bihar, Jharkhand, Punjab and Uttar Pradesh have less than a day to inspect, evaluate and decide on each consent application. With Board staff running on empty, this is clearly an unsustainable situation.

The institutional picture we paint is rather bleak. Unfortunately, it gets worse when one considers the massive mandate of the Boards on environmental issues beyond air quality. Without essential capacity, capability, expertise, and vision in our frontline regulators, sustained and substantial gains in air quality are virtually impossible.