

CONSTITUTION OF THE BOARD

The West Bengal Pollution Control Board was constituted in 1974, with a few other State Pollution Control Boards, under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, which was the first major legal framework for controlling pollution in the country. This was the first initiative taken by the Government of India for the prevention and control of water pollution with a view to maintain and restoration of wholesomeness of the water. During the subsequent years, many more federal enactments related to environmental protection came into force, with the State Pollution Control Boards being designated as the implementing authority within the geographical boundary of respective states. The major environmental Acts and Legislations are illustrated below mentioning thereto the mandated responsibilities under these Acts and Rules.

The Water (Prevention and Control of Pollution) Cess Act, 1977, and subsequent amendments in 1992 & 2003

This Act empowered the State Pollution Control Boards to collect cess on the basis of water consumed by persons carrying on certain industries and by local authorities, with a view to augment the resources of the Central Pollution Control Board and the State Pollution Control Boards, for the prevention and control of water pollution, constituted under the Water Act. This Act inter-alia ensures conservation of water, a very important natural resource.

The Air (Prevention and Control of Pollution) Act, 1981, and subsequent amendment in 1987

This Act provides the State Pollution Control Boards necessary power for prevention and control

of air pollution ensuring emission of various gaseous pollutants from different point and non-point sources within the prescribed standards.

The Environment (Protection) Act, 1986, and subsequent amendment in 1991

The Act is aimed to address for protection and improvement of the environment on a holistic basis with a necessary legal framework for ensuring the same. This umbrella Act provides the Government of India the power to notify any Rules as felt necessary for the protection and improvement of the quality of environment preventing, controlling and abating environmental pollution. The following Rules were subsequently notified by the Government of India under the Environment (Protection) Act, 1986.

The Hazardous Wastes (Management and Handling) Rules, 1989 and subsequent amendments in 2000 & 2003

These Rules were notified to ensure safe storage, transport, treatment and disposal of various categories of industrial hazardous wastes specifically mentioned in the Rules and its subsequent amendments. One of the main features of these Rules is that the occupier of the different activities generating hazardous wastes becomes legally responsible for taking all practical steps to ensure that such wastes are properly handled and disposed of without any adverse effect on the environment.

The Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 and subsequent amendment in 2000

These Rules provide the State Pollution Control Boards and certain other Government Departments necessary power that various hazardous chemicals as mentioned in the Rules with the respective threshold limits are manufactured, imported, stored and used in an environmentally safe manner. These rules provide the legal provisions delegated to

multiple Government organizations including the Inspectorate of Factories, Pollution Control Boards, Department of Explosives etc. for safe handling of various hazardous chemicals with an overall objective to minimize the possibility of chemical accidents through preparation of safety reports, routine safety audits, as also taking adequate on-site and off-site measures to deal with any probable chemical accidents.

The Biomedical Wastes (Management and Handling) Rules, 1998 and subsequent amendment in 2003

These Rules were formulated for environment friendly and safe management and handling of Biomedical wastes.

The Recycled Plastics Manufacture and Usage Rules, 1999, and subsequent amendment in 2003

These Rules define the regulatory steps for recycling of plastic wastes in such a manner that it does not lead to major environmental problem. It also imposed certain restrictions on the manufacture and use of recycled plastic carry bags and containers.

The Municipal Solid Wastes (Management and Handling) Rules, 2000

These Rules were notified with an overall objective of safe management and handling of municipal solid wastes by proper transport, treatment and disposal of such wastes as per the guidelines mentioned in the rule itself. The responsibility of the District Magistrate or the District Collector and the Urban Development Authority in regard to such activities has been clearly mentioned in the Rules.

The above Rules have been notified under the provision of the Environment (Protection) Act and provide the legal framework for ensuring environment friendly management of various classified wastes. These Rules function through a command and control regime requiring the specified waste generators, as

mentioned under individual Rules, to obtain authorization for handling of various types of classified wastes. The basic premise of these Rules is that the onus of proper storage, treatment and disposal lies with the generator of the waste. The Rules also provide guidelines for treatment or disposal in very specific manner.

The Noise Pollution (Regulation and Control) Rules, 2000 and subsequent amendments in 2000, 2002 & 2006

The Rule intends to regulate and control noise-producing and noise-generating sources.

The Ozone Depleting Substances (Regulation and Control) Rules, 2000

These Rules were framed in compliance with the international obligations for gradual phasing out of various Ozone Depleting Substances (ODS) and also provides the major user of ODS to access non-ODS technologies using international funding.

The Batteries (Management and Handling) Rules, 2001

These Rules were prepared on the concept of extended producer responsibility ensuring inter-alia that the generator of batteries takes the responsibility of environmental friendly recycling.

Environmental Impact Assessment Notification, 2006 and subsequent amendment in 2007

The notification was first published in 1994

necessitating a group of listed activities requiring environmental clearance from the Ministry of Environment and Forests, Government of India. Subsequently in 1997, the process of public consultation was introduced for obtaining environmental clearance for the listed activities. Major restructuring of this notification was done by the Ministry of Environment and Forests, Government of India in the year 2006, whereupon the process was made simpler and unambiguous as also avoiding unnecessary delay in getting environmental clearance for the listed activities. This restructuring also provides formation of State Level Environment Impact Assessment Authority (SEIAA) in addition to the Central Authority. Both these authorities were provided with the power to consider the environmental clearance for specified projects as listed in this notification depending on the spatial and temporal impact of such activities.

The Public Liability Insurance Act, 1991, amended 1992 and Rules made thereunder;

The Act ensured that chemical industries using various hazardous chemicals provides the necessary funding for meeting the financial implication of any chemical accidents arising out of manufacture, storage, usage etc. of listed hazardous chemicals. The funds are kept with the insurance authority giving the power to the district authorities to take decisions to give compensation to the affected public due to any possible chemical accidents.

