

The Air (Prevention and Control of Pollution) Act, 1981

The Air (Prevention and Control of Pollution) Act of 1981, or the Air Act, in short, was a law passed by the Parliament of India to prevent and control the harmful effects of air pollution in India. This act is seen as the first concrete step taken by the government of India to combat air pollution.

The details from this article will be useful for aspirants appearing for the Government exams this year.

Why was the Air (Prevention and Control of Pollution) Act of 1981 passed?

The effects of climate change caused by all forms of pollution became all too apparent in the early 1970s. To mitigate their harmful effects it was believed that nations would need to pass their own laws. Thus during the United Nations General Assembly on Human Environment held in Stockholm in June 1972, a resolution was passed which implored the nations of the world to preserve natural resources such as air.

India itself had issues regarding air pollution due to a wide variety of factors such as stubble burning, improper industrial practices, environmental factors etc. To combat these factors a special law was enacted under the Constitution of India, which was the Air (Prevention and Control of Pollution) Act of 1981.

What are the definitions under the Air Act?

The following are the definitions under the Air (Prevention and Control of Pollution) Act.

- Section 2(a) defines an 'air pollutants' as any solid liquid or gaseous substance which may cause harm or damage the environment, humans, plants, animals or even damage property. A 1987 amendment to the act also added 'noise' in the list of harmful substances.
- Section 2(b) defines 'air pollution' as the presence of any air pollutant in the atmosphere.

Section 2 (g) of the Act also set up the Central Pollution Control Board (CPCB) whose powers extended to the whole of India. To carry out the directives of the CPCB the act also called for the setting up of the State Pollution Control Board (SPCB) for the individual states of India

Composition, Powers and Functions of the Central Pollution Control Board

The CPCB will consist of a full-time Chairman with a scientific knowledge of environmental protection along with a secretary appointed by the Central Government. It shall also have five members nominated by the Central Government chosen among the members of the state government

The functions of the CPCB are as follows:

- The CPCB will make efforts for the prevention and control of air pollution in India and advise the government on how to carry out such measures.
- It shall plan and implement a nationwide programme for the prevention and control of air pollution
- The board will lead technical assistance to in carrying out research relating to air pollution.
- The board shall plan and implement training programmes compile and publish statistical data relating to air pollution and shall also prepare manuals, codes or guides relating to measures to combat air pollution.

The powers of the Central Pollution Control Board are as follows:

- The CPCB can declare an area as an 'air pollution area' after consultation with the state government.
- The Central, as well as the State Pollution Control Board, have the power to prohibit the sale or use of any fuel that may cause air pollution
- Power to give restrictions for ensuring standards for emissions from automobile
- Restrictions on use of certain industrial plants.
- The Air Act empowers the State and Central Pollution Control Boards to carry out inspections of equipment, industrial plants or any other object which is believed to be the cause of air pollution. The person in charge will have to assist the board in their inspection and in refusing to do so will be considered an offence.

Penalties and Procedure under the Air Act

As per Section 37 of the act, any failure to comply with the directions issued by the CPCB or acts resulting in noncooperation with its authorities will be face imprisonment of 1 year and 6

months. The sentence can be extended for six years with a fine should the directives not be carried out with an additional fine of 5000 Rs per day.

Sections 42 to 46 cover procedures. Section 42 states that no suit, prosecution or another legal proceeding shall lie against the government, any officer of the government or any member, employee or officer of the Board, where the actions are done by such body or persons are done or intended to be done in good faith in pursuance of this Act.

Section 43 states that the Court shall take cognizance of only those offences where the complaint is made by-

- A Board or any officer authorised under it
- Any person who has given notice of not less than sixty days, of the alleged offence and his intention to make a complaint to the Board or an officer authorised by it.