

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION No. 693/2023

In the matter of:

Original Application No.693/2023, News Item titled "Pollution Control Boards are the weak link" appearing in Deccan Herald dated 24.10.2023

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1.	Progress Report in compliance to Hon'ble NGT (PB) order dated 12.04.2024 in O.A. No. 693/2024 titled as News item titled "Pollution Control Board are the weak link" appearing in Deccan Herald dated 24.10.2023	
2.	Annexure – I A copy of common format dated 21.06.2024 circulated by CPCB to all SPCBs and PCCs for submitting information.	
3.	Annexure – II A copy of Hon'ble NGT order dated 12.04.2024	

11.7.24

(G. Thirumurthy)
Scientist 'E'

Central Pollution Control Board

Date: 26.07.2024

Place: Delhi

**Progress report in compliance to order dated
12.04.2024 in OA No. 693 of 2023**

In the Suo Motu Matter of Original Application (O.A) No. 693 of 2023, the Hon'ble National Green Tribunal (NGT), Principal Bench vide order dated 23.11.2023 , had taken note about large number of posts in State Pollution Control Boards (SPCBs) / Pollution Control Boards (PCCs) lying vacant and absence of properly accredited laboratories and Tribunal had impleaded concerned State / Union Territories through their Principal Secretary, Department of Environment and Forest and directed them to file their reports showing the sanctioned strength and working of staff in the concerned SPCB / PCC, ratio of administrative & ministerial staff against technical staff and regulating & monitoring facilities available therein.

Further, the Hon'ble NGT by order dated 02.02.2024 had directed CPCB to tabulate the said information disclosed in the reports of SPCBs / PCCs. In compliance of the directions, CPCB submitted tabulated information in its report dated 05.04.2024. On perusal of the report, the Hon'ble NGT in the said matter subsequently issued an order to the respondents i.e. SPCBs / PCCs and CPCB on 12.04.2024 directing that the Member Secretary of all SPCBs/PCCs to file an affidavit before the Member Secretary of CPCB disclosing the reason as to why till now the full strength appointments have not been made and why so many sanctioned posts are lying vacant and also time schedule within which the vacant post will be filled up and necessary infrastructure in the laboratories will be created. On receipt of such affidavits, Member

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Secretary of CPCB will organise a meeting with all the Member Secretaries of SPCBs and PCCs to remediate the situation and thereafter, Member Secretary of CPCB will submit report before the Tribunal disclosing outcome of the meeting and also time schedule disclosed by SPCBs and PCCs.

In addition to above, the Hon'ble NGT directed to discuss the aspects w.r.t. monitoring program for marine water quality for strengthening and enhancing monitoring capabilities of SPCBs/PCCs.

In compliance of the Hon'ble NGT directions, CPCB requested all the SPCBs / PCCs to file an affidavit covering the following to the Member Secretary, CPCB on or before 24.05.2024:

- a. Reason as to why till now the full strength appointments have not been made and why so many sanctioned posts are lying vacant and also time schedule within which the vacant posts will be filled up.
- b. Strengthening of Laboratories for monitoring prescribed parameters notified in Schedule I of Environment (Protection) Rules and specified while granting Consent to Operate (CTO).
- c. Notification of laboratories u/s 17(2) & Section 52 of Water (Prevention and Control of Pollution) Act, 1974 and u/s 17(2) & Section 28 of Air (Prevention and Control of Pollution) Act, 1981.
- d. Status of obtaining recognition as Environmental lab under Environment (Protection) Act, 1986.
- e. Creation of necessary infrastructure in the laboratories etc. and for setting up the laboratories where they don't exist.
- f. Sources of budget for the income generated and expenditure during F.Y. 2020-21 and 2021- 22.
- g. Monitoring program for marine water quality monitoring.

Reminders were also sent to SPCBs/PCCs for submission of affidavits in time. Thereby, out of 36 SPCBs / PCCs, 28 SPCBs / PCCs had submitted their information on affidavit to CPCB. However, the information provided had several shortcomings / discrepancies. Accordingly, it was decided to have a review meeting with all SPCBs / PCCs to inform the shortcomings / discrepancies observed in their affidavit with respect to above information and to expedite submission of affidavit by remaining 08 SPCB / PCC. The **1st review meeting** with the SPCBs / PCCs was held on 14.06.2024 by the Member Secretary, CPCB wherein various information gaps noticed in their affidavits were informed in terms of timeline for filling vacancy, duration since posts are vacant, reason for not filling, strengthening and notification of laboratories, facility available for sampling and analysis of parameters prescribed under Consent to Operate, and sources of revenue along with expenditure incurred during FY 2020-21 and 2021-22. In the meeting, it was decided that in order to maintain uniformity in affidavits and covering all the above mentioned details, a format be prepared and shared with all the SPCBs/PCCs for re-submission of information vide affidavit. Accordingly, a common format was prepared by CPCB and circulated to all SPCBs and PCCs for submitting information in the form of affidavit by 21.06.2024 and copy of the said format is given as **Annexure 1**.

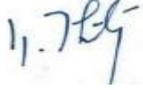
On receipt of revised affidavits from SPCBs / PCCs, the **2nd review meeting** was held on 12.07.2024 with the SPCBs/PCCs by the Member Secretary, CPCB. During the meeting, it was observed that all SPCBs / PCCs had still not submitted complete

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information as per the above format and gaps in this regard were also informed. The above issues w.r.t filling vacant post, notification of laboratories, facilities for sampling and analysis of parameters and sources of revenues along with expenditures. It was also requested once again to submit information on the gaps identified by 15.07.2024.

Further, **3rd review meeting** was also held on 18.07.2024 with 9 SPCBs and 4 PCCs having coastline in their State / UT, to review monitoring of marine water quality in such States / UTs and need of strengthening the same by 22.07.2024. Out of 09 SPCBs and 4 PCCs having coastline, the report of 2 SPCBs and 1 PCC are still being awaited as on 26.07.2024.

In view of above, as on date, out of 36 SPCBs and PCCs, 27 SPCBs and 8 PCCs have submitted affidavits except Jharkhand State Pollution Control Board. In this regard, it is humbly submitted that compilation of information as received from SPCBs/PCCs and preparation of report are under progress. Accordingly, 10 days additional time is prayed from Hon'ble Tribunal for filing of report.


(G. Thirumurthy)
Scientist 'E'
CPCB

COMMON FORMAT CIRCULATED FOR OBTAINING INFORMATION

A. Sanction of posts with timeline:

S. No.	No. of Sanctioned posts	No. of Vacant posts	Duration since when Vacant (in month)	Reason for not filling the vacant posts	Time line for filling the vacancy (in month)	List of activities to be carried out for filling the vacancy and their respective timeline

Remarks, if any:

B. Details of Laboratories w.r.t. Water (Prevention and Control of Pollution) Act, 1974.

- a) Total number of all types of laboratory setup by SPCB/PCC:
- b) Out of (a) above, how many laboratories are established as State Water Laboratory:
- c) Have all laboratories, as at (b) above, has been notified in the official Gazette:
- d) Whether any State (or) Institute Laboratories, other than those set up by SPCB/PCC have been specified as State Water Laboratory. If yes, please provide the following:
 - i. Number of such laboratory specified:
 - ii. Number of such laboratory notified in the official Gazette:
- e) (i) Number of Laboratory planned for notification as State Water Laboratory:
(ii) Time required for notification under Section 52 of Water Act (in months):

C. Details of Laboratories w.r.t. Air (Prevention and Control of Pollution) Act, 1981.

- a) Out of B(a) above laboratory, how many laboratories are established as State Air Laboratory:
- b) Have all laboratories, as at (a) above, has been notified in the official Gazette:
- c) Whether any State (or) Institute Laboratories, other than those set up by SPCB/PCC have been specified as State Air Laboratory. If yes, please provide the following:
 - i. Number of such laboratory specified:
 - ii. Number of such laboratory notified in the official Gazette:
- d) (i) Number of Laboratory planned for notification as State Air Laboratory:
(ii) Time required for notification under Section 28 of Air Act (in months):

D. Information on laboratory recognized as "Environment Laboratory" under Environment (Protection) Act, 1986 (EPA 1986)

- a) Out of B(a) above laboratory, how many of them recognized as "Environment Laboratory" under EPA 1986?
- b) Number of laboratory planned for recognition under EPA 1986:
- c) Time required for recognition under EPA 1986 (in months)?

E. Details about sampling and monitoring under Schedule I of the EP Rules and prescribed under Consent to Operate

- a) Total number of parameters prescribed in the various CTO issued by SPCB/PCC:
- b) Total number of parameters for which the laboratory, as at (a) above, have facility to monitor and analysis the parameter as at Schedule I:
- c) In case SPCB/PCC does not have its facility to sample & analysis all parameters as at (a) above:
 - (i) How much parameters (for which the SPCB / PCC do not have its laboratory facility to sample & analyze) are being monitored:
 - (ii) Whether SPCB / PCC has plan to have its facility to sample & analyze all parameters? If yes, please give timeline by which the same shall be commissioned. If not, reasons thereto.

F. Source of Income & Expenditure:

Break-up of Income and expenditure generated during F.Y. 2020-21 and 2021-22 clearly mentioning the following sources:

S. No.	Source of Income	FY 2020 -21 in (Rs)		FY 2021 -22 in (Rs)	
		Income	Expenditure	Income	Expenditure
1.	Consent fee				
2.	Authorization fee				
3.	Lab analysis charges				
4.	Bank Interest earned				
5.	Environmental Compensation fund of SPCB / PCC				
6.	Environmental Compensation fund of CPCB				
7.	Assistance from State Govt.				
8	Assistance from State Central Govt. under Central Sector Schemes				
9	Other Sources, if any				
	Total				

- Reason for not utilizing the collected amount fully:

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Item No.12

Court No. 1

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

Original Application No.693/2023

News Item titled "Pollution Control Boards are the weak link" appearing in Deccan Herald dated 24.10.2023.

Date of hearing: 12.04.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Amit Singh Chauhan, Adv. for CPCB (Through VC)
Ms. Srishti Govil & Mr. Tanish Manuja, Advs. for MoEF & CC
Mr. Rahul Khurana, Adv. for the State of Haryana & HSPCB
Mr. Shubham Bhalla & Ms. Ruksana, Advs. for R - 30 (Through VC)
Mr. Kaushal Gautam & Ms. Snehpreet Kaur, Advs. for UKPCB
Ms. Jyoti Mendiratta, Adv. for Govt. of NCT of Delhi (Through VC)
Mr. A.V. Nair, Adv. for Gujarat PCB (Through VC)
Mr. Apoorv Kurup & Ms. Aanchal, Advs. for UT of Lakshadweep (Through VC)
Mr. Bhanwar Pal Singh Jadon, Adv. for the State of UP (Through VC)
Mr. Vaibhav Srivastava, Adv. for HP SPCB

ORDER

1. In this original application, issue relates to infrastructure, resources and capacity of the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) to perform the functions assigned to them, which is affected on account of inadequate sanctioned strength of personnel, high number of vacancies especially in technical positions, absence of proper training, lack of pollution monitoring and abatement equipments, absence of technically competent leadership, protracted enforcement mechanisms, insufficient funds and ineffectual spending.

2. Tribunal in the order dated 23.11.2023 had taken note of the fact that large number of posts in the SPCBs were lying vacant and that there was absence of properly accredited laboratories and Tribunal had impleaded concerned States/Union Territories through their Principal Secretary, Department of Environment and Forest and directed them to file

their reports showing the sanctioned strength and working of staff in the concerned SPCBs/PCCs and CPCB, ratio of administrative, ministerial and technical staff and regulating and monitoring facilities available therein.

3. Tribunal by order dated 02.02.2024 had directed the CPCB to tabulate the said information disclosed in the reports of SPCBs/PCCs. In terms of the directions of the Tribunal, tabulated information has been produced by CPCB in its report dated 05.04.2024. Said report reflects very grim situation in respect of working strength in the PCBs/PCCs. Staff strength i.e. sanctioned, working, vacant in SPCBs and PCCs is disclosed to be as under:-

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Table 1a: Status of Staff Strength in SPCBs

S. No	State Pollution Control Boards	Staff Strength in Number			Vacant in %
		Sanctioned	Working	Vacant	
1	Andhra Pradesh	289	87	202	69.90
2	Arunachal Pradesh	27	27	0	0.00
3	Assam	264	245	19	7.20
4	Bihar	249	40	209	83.94
5	Chhattisgarh	328	241	87	26.52
6	Goa	140	127	13	9.29
7	Gujarat	801	307	494	61.67
8	Haryana	448	167	281	62.72
9	Himachal Pradesh	371	221	150	40.43
10	Jharkhand	271	73	198	73.06
11	Karnataka	723	290	433	59.89
12	Kerala	434	263	171	39.40
13	Madhya Pradesh	1228	458	770	62.70
14	Maharashtra	839	473	366	43.62
15	Manipur	120	46	74	61.67
16	Meghalaya	152	82	70	46.05
17	Mizoram	23	18	5	21.74
18	Nagaland	19	19	0	0.00
19	Odisha	463	193	270	58.32
20	Punjab	652	351	301	46.17
21	Rajasthan	808	332	476	58.91
22	Sikkim	27	15	12	44.44
23	Tamil Nadu	1059	620	439	41.45
24	Telangana	230	127	103	44.78
25	Tripura	28	24	4	14.29

S. No	State Pollution Control Boards	Staff Strength in Number			Vacant in %
		Sanctioned	Working	Vacant	
26	Uttarakhand	130	51	79	60.77
27	Uttar Pradesh	732	403	329	44.95
28	West Bengal	309	178	131	42.39
Sub – Total (A)		11,164	5,478	5,686	50.93

Table 1b :Status of Staff Strength in PCCs

S. No	Pollution Control Committees	Staff Strength			Vacancy in %
		Sanctioned	Working	Vacant	
1	Andaman and Nicobar Islands	9	6	3	33.33
2	Chandigarh	9	7	2	22.22
3	Dadra & Nagar Haveli and Daman & Diu	12	2	10	83.33
4	Delhi	344	191	153	44.48
5	Jammu & Kashmir	445	242	203	45.62
6	Ladakh	16	5	11	68.75
7	Lakshadweep	5	1	4	80.00
8	Puducherry	12	9	3	25.00
Sub – Total (B)		852	463	389	45.66
Grand Total (A+B)		12,016	5,941	6,075	50.56

4. Status of contractual staff strength in the SPCBs and PCCs is disclosed to be as under:-

Table 2: Status of Contractual Staff Strength in SPCBs/ PCCs

S. No	SPCBs /PCCs	Technical			Admin.	Total
		Engineering	Science	Sub-Total		
1	Andaman and Nicobar Islands	3	6	9	0	9
2	Chandigarh	5	0	5	22	27
3	Chhattisgarh	0	25	25	86	111
4	Dadra & Nagar Haveli and Daman & Diu	14	0	14	11	25
5	Delhi	2	3	5	76	81
6	Goa	6	19	25	0	25
7	Haryana	0	34	34	80	114
8	Jharkhand	17	20	37	40	77
9	Kerala	0	71	71	48	119
10	Ladakh	03	05	08	04	12
11	Madhya Pradesh	56	48	104	113	217
12	Nagaland	5	23	28	0	28
13	Odisha	02	43	45	0	45
14	Tamil Nadu	0	52	52	05	57
15	Uttar Pradesh	33	57	90	07	97
16	Uttarakhand	0	44	44	03	47
Total		146	450	596	495	1091

5. Ratio of administrative and technical posts in SPCBs and PCCs is found to be as under:

“Table 3a: Ratio of Administrative and Technical Posts in SPCBs

S. No.	State Pollution Control Boards	Sanctioned Staff Strength		Ratio (A:T)
		Administrative	Technical	
1	Andhra Pradesh	113	176	1 : 1.56
2	Arunachal Pradesh	11	16	1 : 1.45
3	Assam	147	117	1 : 0.80
4	Bihar	128	121	1 : 0.95
5	Chhattisgarh	167	161	1 : 0.96
6	Goa	53	87	1 : 1.64
7	Gujarat	147	654	1 : 4.45
8	Haryana	209	239	1 : 1.14
9	Himachal Pradesh	182	189	1 : 1.04
10	Jharkhand	127	144	1 : 1.13
11	Karnataka	303	420	1 : 1.39
12	Kerala	205	229	1 : 1.12
13	Madhya Pradesh	636	592	1 : 0.93
14	Maharashtra	418	421	1 : 1.01
15	Manipur	52	68	1 : 1.31
16	Meghalaya	79	73	1 : 0.92
17	Mizoram	9	14	1 : 1.56
18	Nagaland	8	11	1 : 1.38
19	Odisha	176	287	1 : 1.63
20	Punjab	324	328	1 : 1.01
21	Rajasthan	198	610	1 : 3.08
22	Sikkim	10	17	1 : 1.70
23	Tamil Nadu	537	522	1 : 0.97
24	Telangana	90	140	1 : 1.56
25	Tripura	9	19	1 : 2.11
26	Uttarakhand	54	76	1 : 1.41
27	Uttar Pradesh	359	373	1 : 1.04
28	West Bengal	149	160	1 : 1.07

3b: Ratio of Administrative and Technical Posts in PCCs

S. No	Pollution Control Committees	Sanctioned Staff Strength		Ratio (A:T)
		Administrative	Technical	
1	Andaman and Nicobar Islands	4	6	1 : 1.50
2	Chandigarh	0	9	-

S. No	Pollution Control Committees	Sanctioned Staff Strength		Ratio (A:T)
		Administrative	Technical	
3	Dadra & Nagar Haveli, Daman & Diu	2	10	1 : 5.00
4	Delhi	160	183	1 : 1.14
5	Jammu & Kashmir	215	230	1: 1.07
6	Ladakh	16	0	-
7	Lakshadweep	0	5	-
8	Puducherry	0	12	-

6. Details of environmental laboratories in SPCBs and PCCS are as under:-

“Table 4a: Details of Environmental Laboratories at SPCBs

S. No.	SPCBs	Central	Zonal/ Regional	Total	EPA	Only NABL
1	Andhra Pradesh	0	5	5	0	2
2	Arunachal Pradesh	1	1	2	0	0
3	Assam	1	4	5	1	1
4	Bihar	1	0	1	0	0
5	Chhattisgarh	1	6	7	0	0
6	Goa	1	0	1	0	1
7	Gujarat	1	8	9	1	3
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	0	0
12	Kerala	1	15	16	1	0
13	Madhya Pradesh	1	10	11	1	8
14	Maharashtra	1	7	8	6	8
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	<i>Punjab</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>0</i>	<i>0</i>
21	<i>Rajasthan</i>	<i>1</i>	<i>13</i>	<i>14</i>	<i>0</i>	<i>2</i>
22	<i>Sikkim</i>	<i>1</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>0</i>
23	<i>Tamil Nadu</i>	<i>1</i>	<i>17</i>	<i>18</i>	<i>1</i>	<i>2</i>
24	<i>Telangana</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>1</i>	<i>0</i>
25	<i>Tripura</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>0</i>	<i>0</i>
26	<i>Uttarakhand</i>	<i>1</i>	<i>4</i>	<i>5</i>	<i>0</i>	<i>0</i>
27	<i>Uttar Pradesh</i>	<i>1</i>	<i>21</i>	<i>22</i>	<i>1</i>	<i>11</i>
28	<i>West Bengal</i>	<i>1</i>	<i>6</i>	<i>7</i>	<i>1</i>	<i>2</i>
<i>Sub Total (A)</i>		<i>28</i>	<i>156</i>	<i>184</i>	<i>14</i>	<i>47</i>

Table 4b: Details of Environmental Laboratories at PCCs

<i>S No.</i>	<i>PCCs</i>	<i>Central</i>	<i>Regional</i>	<i>Total</i>	<i>EPA</i>	<i>Only NABL</i>
<i>1</i>	<i>Andaman and Nicobar Islands</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>2</i>	<i>Chandigarh</i>	<i>1</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>0</i>
<i>3</i>	<i>Dadra & Nagar Haveli and Daman & Diu</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>4</i>	<i>Delhi</i>	<i>1</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>0</i>
<i>5</i>	<i>Jammu & Kashmir</i>	<i>0</i>	<i>2</i>	<i>2</i>	<i>0</i>	<i>0</i>
<i>6</i>	<i>Ladakh</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>7</i>	<i>Lakshadweep</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>8</i>	<i>Puducherry</i>	<i>1</i>	<i>1</i>	<i>2</i>	<i>0</i>	<i>1</i>
<i>Sub Total (B)</i>		<i>3</i>	<i>3</i>	<i>6</i>	<i>0</i>	<i>1</i>
<i>Grand Total (A+B)</i>		<i>31</i>	<i>159</i>	<i>190</i>	<i>14</i>	<i>48</i>

”

7. Details of environmental monitoring network at SPCBs and PCCs has been found to be:-

“Table 5a: Details of Environmental Monitoring Network at SPCBs

No.	SPCBs	NWMP	NAMP	CAAQMS	NANMN
1.	Andhra Pradesh	160	72	12	8
2.	Arunachal Pradesh	17	2	1	0
3.	Assam	237	32	9	0
4.	Bihar	170	8	35	0
5.	Chhattisgarh	39	17	14	0
6.	Goa	115	19	0	0
7.	Gujarat	182	67	17	0
8.	Haryana	65	5	30	0
9.	Himachal Pradesh	243	25	1	0
10.	Jharkhand	74	10	4	0
11.	Karnataka	325	30	42	10
12.	Kerala	211	29	9	0
13.	Madhya Pradesh	254	42	28	4
14.	Maharashtra	252	74	93	10
15.	Manipur	75	1	2	0
16.	Meghalaya	84	11	2	0
17.	Mizoram	121	34	1	0
18.	Nagaland	28	10	1	0
19.	Odisha	346	53	19	0
20.	Punjab	147	52	8	0
21.	Rajasthan	199	45	45	0
22.	Sikkim	30	9	1	0
23.	Tamil Nadu	171	52	28	10
24.	Telangana	273	22	14	10
25.	Tripura	120	2	2	0
26.	Uttarakhand	163	84	57	0
27.	Uttar Pradesh	61	12	3	10
28.	West Bengal	143	84	15	10
Sub – Total (A)		4305	903	493	72

Table 5b: Details of Environmental Monitoring Network at PCCs

<i>PCCs</i>	<i>NWMP</i>	<i>NAMP</i>	<i>CAAQMS</i>	<i>NANMN</i>
<i>Andaman and Nicobar Islands</i>	0	3	0	0
<i>Chandigarh</i>	11	5	3	0
<i>Dadra & Nagar Haveli and Daman & Diu</i>	24	6	0	0
<i>Delhi</i>	88	7	40	10
<i>Jammu & Kashmir</i>	133	31	1	0
<i>Ladakh</i>		0	0	0
<i>Lakshadweep</i>	45	1	0	0
<i>Puducherry</i>	34	6	1	0
<i>Sub- Total (B)</i>	335	59	45	10
<i>Total (A+B)</i>	4640	962	538	82

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8. Sanctioned and present working strength of the laboratories in SPCBs and PCCs has been found to be:-

“Table 6a: Sanctioned and Present Strength in SPCBs Labs

S. No.	SPCBs	Strength of Laboratory			Contractual Staff
		Sanctioned	Working	Vacancy	
1.	<i>Andhra Pradesh</i>	69	17	52	0
2.	<i>Arunachal Pradesh</i>	12	12	0	0
3.	<i>Assam</i>	47	38	9	0
4.	<i>Bihar</i>	65	7	58	12
5.	<i>Chhattisgarh</i>	121	44	77	25
6.	<i>Goa</i>	53	48	5	19
7.	<i>Gujarat</i>	283	118	165	0
8.	<i>Haryana</i>	78	32	46	34
9.	<i>Himachal Pradesh</i>	86	37	49	0
10.	<i>Jharkhand</i>	144	79	65	20
11.	<i>Karnataka</i>	142	36	106	95
12.	<i>Kerala</i>	91	7	84	71
13.	<i>Madhya Pradesh</i>	441	162	279	0

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14.	<i>Maharashtra</i>	86	48	38	0
15.	<i>Manipur</i>	4	4	0	0
16.	<i>Meghalaya</i>	52	25	27	0
17.	<i>Mizoram</i>	9	6	3	0
18.	<i>Nagaland</i>	7	7	0	0
19.	<i>Odisha</i>	197	73	124	45
20.	<i>Punjab</i>	65	23	42	0
21.	<i>Rajasthan</i>	197	82	115	0
22.	<i>Sikkim</i>	9	3	6	0
23.	<i>Tamil Nadu</i>	216	163	53	52
24.	<i>Telangana</i>	62	42	20	0
25.	<i>Tripura</i>	12	11	1	0
26.	<i>Uttarakhand</i>	2	2	0	47
27.	<i>Uttar Pradesh</i>	182	132	50	22
28.	<i>West Bengal</i>	74	48	26	0
Sub – Total (A)		2806	1306	1500	442

Table 6b: Sanctioned and Present Strength in PCCs Labs

S. No.	PCCs	Strength of Laboratory			Contractual Staff
		Sanctioned	Working	Vacancy	
1	<i>Andaman & Nicobar</i>	No Laboratory			
2	<i>Chandigarh</i>	7	7	0	4
3	<i>DNH & Daman & Diu</i>	No Laboratory			
4	<i>Delhi</i>	31	4	27	3
5	<i>Jammu & Kashmir</i>	111	41	70	0
6	<i>Ladakh</i>	No Laboratory			
7	<i>Lakshadweep</i>	No Laboratory			
8	<i>Puducherry</i>	10	8	2	0
Sub- Total (B)		159	60	99	7
Total (A+B)		2965	1366	1599	449

9. We find that out of sanctioned staff strength exists in the SPCBs and PCCs, appointments have not been made and posts are lying vacant which

is affecting the regulatory mechanism at the State level on environmental issues. On Staffing: 1) Almost 50 percent posts are vacant. Maximum posts are lying vacant in Bihar, Jharkhand and UT of Daman-Diu. Such a huge vacancy is one of the major reason for improper enforcement of Acts and Rules. 2) PCBs and PCCs have taken 1091 Contractual staff and out of them, 146 and 450 are with Technical and Scientific background respectively. If such staff can be taken on contract then why regular recruitment cannot be made.

We also find that proper facility and infrastructure is lacking in the SPCBs and PCCs laboratories. Out of 190 laboratories, only 14 laboratories are recognized as Environmental Lab under EPA. Further, merely having NABL Certification in 48 laboratories has no meaning unless they form a part of Environment Laboratory. The report however does not disclose notification of laboratories under section 17(2) and Section 52 of the Water Act and Section 17(2) and section 28 of the Air Act. We are of the view that Table 7 disclosing laboratory infrastructure for analyzing environmental parameters be reviewed by CPCB with PCBs to strengthen laboratories for monitoring prescribed parameters notified in Schedule I under EP rules and specified while granting CTOs.

10. No details of staff strength, ratio of administrative and technical posts, environmental laboratories, monitoring network has been disclosed for CPCB.

11. Report further discloses the income generated and expenditure by SPCBs and PCCs as under:-

“Table 9a: Income Generated and Expenditure by the SPCBs

All in Lakhs

S. No.	SPCBs	2020-21		2021-22		Ave Exp in %
		Generated	Expenditure	Generated	Expenditure	
1.	Andhra Pradesh	5619.00	6745.00	19608.00	5347.00	47.93
2.	Arunachal Pradesh	457.72	282.81	572.16	452.65	71.41
3.	Assam	408.00	253.00	449.70	254.00	59.11
4.	Bihar	2892.30	2792.36	3423.63	3683.76	102.54
5.	Chhattisgarh	6232.80	4583.96	6739.75	5276.69	76.01
6.	Goa	1552.60	1259.62	1438.53	2023.02	109.75
7.	Gujarat	17820.85	6599.16	17611.70	5511.68	34.18
8.	Haryana	18359.91	9966.35	11485.00	4906.00	49.83
9.	Himachal Pradesh	3327.00	2726.00	3219.00	2156.00	74.58
10.	Jharkhand	3367.81	1594.09	2906.58	1456.92	48.63
11.	Karnataka	10562.26	8731.78	42989.63	11068.98	36.97
12.	Kerala	8300.01	4590.93	12011.45	4374.95	44.14
13.	Madhya Pradesh	4318.39	2068.33	4673.08	1930.01	44.47
14.	Maharashtra	49068.70	15038.15	51776.40	16369.92	31.14
15.	Manipur	315.31	315.31	294.87	296.03	100.19
16.	Meghalaya	1364.13	973.81	1176.25	1003.71	77.84
17.	Mizoram	169.33	171.17	177.47	176.68	100.30
18.	Nagaland	145.58	145.58	165.93	165.93	100.00
19.	Odisha	11461.43	2647.74	8499.35	3188.79	29.24
20.	Punjab	8746.12	9248.75	8440.65	6364.56	90.84
21.	Rajasthan	12104.43	9663.54	15856.56	8553.79	65.15
22.	Sikkim	243.63	195.90	246.48	468.10	135.48
23.	Tamil Nadu	33376.40	11754.38	35646.41	25930.36	54.60
24.	Telangana	11422.00	9822.00	15472.00	4956.00	54.95
25.	Tripura	237.64	237.64	304.34	304.34	100.00
26.	Uttarakhand	8755.78	7237.61	5521.56	3210.12	73.18
27.	Uttar Pradesh	21313.45	21313.45	23440.66	23440.66	100.00
28.	West Bengal	8346.11	7502.67	6273.05	4540.61	82.38

Table 9b: Income Generated and Expenditure by the PCCs

All in Lakhs

PCCs	2020-21	2021-22	Ave Exp
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<i>S. No.</i>		<i>Generated</i>	<i>Expenditure</i>	<i>Generated</i>	<i>Expenditure</i>	<i>in %</i>
1.	<i>A&N</i>	64.00	55.00	72.00	68.40	90.74
2.	<i>Chandigarh</i>	489.71	433.55	424.75	391.16	90.19
3.	<i>DNH &DD</i>	957.45	128.41	1181.64	212.17	15.92
4.	<i>Delhi</i>	5209.49	2493.28	3235.18	2661.74	61.04
5.	<i>Jammu & Kashmir</i>	3389.42	2553.94	3306.46	2612.80	77.16
6.	<i>Ladakh</i>	115.00	0.00	200.00	26.34	8.36
7.	<i>Lakshadweep</i>	7.90	0.00	9.28	17.18	100.00
8.	<i>Puducherry</i>	244.09	212.13	332.01	242.36	78.89

*- *Expenditure of Both years*

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12. As per the said chart, average expenditure is much below the generation of income. Reason for not initializing the collected amount fully when need exists and time-bond plan under different heads for utilization of the same. The information disclosed in Table 9 a and 9 b does not give sources of budget as per summery given under para 8 (e). This should also be filed by SPCBs and PCCs to CPCB with their affidavit.

13. Hence, we direct the Member Secretary of all the SPCBs and PCCs to file an affidavit before the Member Secretary of Central Pollution Control Board (CPCB) within a period of six weeks from today disclosing the reason as to why till now the full strength appointments have not been made and why so many sanctioned posts are lying vacant and also time schedule within which the vacant posts will be filled up and necessary in infrastructure in the laboratories will be created and also covering other observations made above. On receipt of such affidavit, Member Secretary of CPCB will organize a meeting with all the Member Secretaries of SPCBs and PCCs within eight weeks to remediate the situation and thereafter, Member Secretary of CPCB will submit report before the Tribunal within twelve weeks disclosing outcome of the meeting and also time schedule

disclosed by SPCBs and PCCs for filling up the vacant posts and creating the necessary infrastructure in the laboratories and for setting up the laboratories where they don't exist in the tabulated form.

14. We also noticed that environmental monitoring program has been set up for monitoring the ambient air quality, water quality and ambient noise monitoring. Monitoring program for marine water quality monitoring needs to be strengthen by enhancing monitoring capabilities on their environmental aspects. Hence, Member Secretary of CPCB will also discuss this aspect in the meeting with the Member Secretaries of SPCBs and PCCs and will take appropriate decision in this regard.

15. A copy of this order be forwarded to Member Secretary of CPCB and Member Secretaries of all the SPCBs and PCCs by email for compliance.

16. List on 29.07.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

April 12, 2024
Original Application No.693/2023
JG.