

**2477**  
BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH  
NEW DELHI

Original Application No. 693/2023

**IN THE MATTER OF:**

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

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FILED BY:

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**For the THE POLLUTION CONTROL  
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Filed On : \_\_\_/01/2025

## BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI

Original Application No. 693/2023

## IN THE MATTER OF:

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

**REPLY AFFIDAVIT FILED ON BEHALF OF POLLUTION CONTROL BOARD, ASSAM IN COMPLIANCE OF THE ORDER DATED 11.09.2024 OF THIS HON'BLE TRIBUNAL.**

I, Sri Gokul Bhuyan, S/O Late Jiban Chandra Bhuyan, aged about 59 years, Resident of Chilarai Nagar, Guwahati -781032, in the district of Kamrup (Metro) Assam, do hereby solemnly affirm and duly authorized to state as follows:

1. That, this deponent is the Chief Environmental Engineer of Pollution Control Board, Assam (hereinafter referred to as the Board), and conversant with the facts and circumstances of the present case and is duly authorized to swear and affirm this instant affidavit. This instant affidavit is filed for limited purpose as directed by this Hon'ble Tribunal by its order dated 11.09.2024.
2. That in compliance of the aforesaid order dated 11.09.2024, the answering respondent Board begs to submit progress report as below:

**I. THE CURRENT STATE OF VACANCIES WITHIN THE POLLUTION CONTROL BOARD, ASSAM & HIGHLIGHTS ON SYSTEMIC CHALLENGES, INCLUDING:**

**1. Vacancy Overview:**

- Engineering and Technical Services: Positions like Senior Environmental Engineer and Assistant Engineer remain unfilled due to promotional backlogs and resignations.
- Scientific Services: Persistent vacancies since 2014 due to cadre restructuring delays and reserved quota challenges.
- Administrative Roles: Retirement-driven vacancies with planned recruitments delayed until service rule approvals.



**2. Root Causes:**

- Backlog in filling reserved quota posts.
- Delayed cadre restructuring.
- Limited availability of qualified candidates.

**3. Steps to be taken.**

- To obtain approval from State Government for new service rules and de-reservation proposals.
- To prioritize promotional training and development to address internal candidate shortages.
- To streamline selection processes with fixed timelines to prevent future delays.

**4. Proposed Timeline:**

- Several posts, including senior roles, are expected to be filled by March, 2025 subject to required approvals and procedural updates by appropriate authorities as per law.

Report in compliance of the Order dated 11.09.2024 of this Hon'ble Tribunal is annexed as **Annexure A**.

**II. REPORT ON LABORATORIES UNDER POLLUTION CONTROL BOARD ASSAM (PCBA)****A. Laboratories under Water and Air Acts****1. Laboratory Establishments:**

- The Pollution Control Board Assam (PCBA) operates five (5) laboratories:
  - Central Laboratory (Established in 1978).
  - Regional Laboratories at Silchar, Bongaigaon, and Sivasagar (Established in 1982).
  - Regional Laboratory at Tezpur (Established in 1998).



2. State Laboratory Status:

- None of the laboratories is officially declared as State Water Laboratories or State Air Laboratories.
- None of the laboratories is notified in the Official Gazette.

3. Third-party Environmental Laboratories:

- PCBA has recognized 7 no.s of third-party's environmental laboratories which are authorized for carrying monitoring of effluents, air emissions, and noise levels of industries in Assam.

4. Future Plans:

- PCBA intends to notify all five laboratories as State Water and Air Laboratories within six months under Section 52 of the Water Act and Section 28 of the Air Act.

**III. ENVIRONMENTAL LABORATORY UNDER ENVIRONMENT PROTECTION ACT, 1986**

1. **Recognized Laboratory:**

- The Central Laboratory is recognized as an Environmental Laboratory under the Environment (Protection) Act, 1986 (valid from 19/06/2017 to 19/06/2022).

2. **Accreditations:**

- NABL Accreditation: The Central Laboratory of Pollution Control Board is NABL accredited (valid until 09/02/2025).
- ISO Certification: The Central Laboratory of Pollution Control Board is certified under ISO 45001:2018 (valid until 28/06/2027).

3. **Planned Actions:**

- Renewal of recognition under EPA 1986 and NABL accreditation.
- Upgradation of Silchar Laboratory to meet NABL standards.



#### IV. SAMPLING AND MONITORING CAPABILITIES

##### 1. Parameters Monitored:

- Air: 21 parameters (Ambient Air Quality and Emissions).
- Water: 60 parameters (Water and Wastewater).

##### 2. Specialized Analysis:

- Routine parameters are analyzed by all laboratories.
- Central Laboratory specializes in monitoring heavy metals, pesticides, and stack emissions.

#### V. Infrastructure Upgrades

##### 1. Laboratories Upgrades :

- Silchar Laboratory: Undergoing upgradation to meet NABL standards.
- Regional Laboratories at Bongaigaon and Sivasagar: Preparing to apply for NABL recognition.
- Tezpur Laboratory: Upgradation initiated.

##### 2. Central Laboratory Enhancements:

- Equipped with advanced instruments like Inductively Coupled Plasma-Optical Emission Spectrometer (ICP-OES), Gas Chromatography-Mass Spectrometry (GC-MS), and Ion Chromatography.
- Plans to procure a Total Organic Carbon (TOC) Analyzer.

##### 3. New Mini Laboratories:

- Proposed establishment at Nagaon, Tinsukia, and Majuli College premises to monitor air quality under the National Air Monitoring Programme (NAMP).

##### 4. Monitoring Infrastructure:

- Laboratories are equipped for parameters monitored under the National Air Quality Monitoring Programme (NAMP) and National Water Quality Monitoring Programme (NWMP).



3. That, it is submitted herein that the answering respondent, i.e. Pollution Control Board, Assam has a robust framework of laboratories with planned infrastructure enhancements and accreditations. These initiatives aim to improve monitoring and compliance with environmental regulations under the Water and Air Acts, as well as the Environment (Protection) Act. The notification of laboratories as State Water and Air Laboratories and the establishment of mini laboratories will further strengthen environmental monitoring and management in Assam. Details of Laboratories with respect to Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. Details is annexed as **Annexure B**.
4. That in addition to the aforesaid submissions, it is therefore submitted that this answering Respondent shall abide by any/all orders or directions passed by this Hon'ble Tribunal and craves the leave of this Hon'ble Tribunal to file additional affidavit, if so required.

*Ceskel Bhuyas.*

**DEPONENT**

**VERIFICATION:**

I, the deponent herein above, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief, that no part of it is false and nothing material has been concealed therefrom.

Verified at Guwahati on this 30<sup>th</sup> day of January, 2025.

*Ceskel Bhuyas.*

**DEPONENT**

Identified by:-

*[Signature]*

(Siddhartha Baruah)

Advocate.

495/1999.

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*m. h. 1.*  
*03/1/25*

**Banti Baishya**  
NOTARY, GOVT. OF ASSAM  
Kamrup (Metro), Guwahati  
Regd. No.: KAM-22

**NOTARY PUBLIC : OATH COMMISSIONER**  
Solemnly affirmed before me this day, I  
Certify that I read over and Explained  
the contents to the declarant and that  
the declarant stated perfectly to  
understand them.

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Annexure A

**Subject:** Report regarding Hon'ble NGT Suo Motu matter O.A 693/2023 - "Pollution Control Boards are the Weak Link".

Sl. No.	Designation	No. of Sanctioned Post	No. of Vacant Post	Duration since when vacant	Reason for not filling vacant posts	Timeline for filling the Vacancy	List of activities to be carried out for filling the vacancy and their respective timeline
1	<b>Engineering and Technical service</b>						
	Senior Environmental Engineer	5	1	October, 2024	Promotional post. Backlog against reserved quota	March, 2025	Matter taken up with Govt. for considering de-reservation of the reserved post for filling up the vacancy.
	Assistant Engineer	25	2	October, 2024	New recruit resigned	December, 2024	Selection committee meeting
2	<b>Laboratory and Scientific service</b>						
	Senior Environmental Scientist	3	1	October, 2023	Promotional post. Backlog against reserved quota	March, 2025	Matter took up with Govt. for considering de-reservation of the reserved post for filling up the vacancy.
	Executive Environmental Scientist	6	1	October, 2023	Promotional post. Backlog against reserved quota		Matter took up with Govt. for considering de-reservation of the reserved post for filling up the vacancy.
	Assistant Executive Environmental Scientist	7	1	December, 2022	Promotional post. Backlog against reserved quota		Matter took up with Govt. for considering de-reservation of the reserved post for filling up the vacancy.
	Assistant Environmental Scientist	10	5	June, 2024	Promotional post. No eligible candidate		
	Scientific Assistant-I	2	1	2014	No eligible candidate		
	Scientific Assistant-III	6	1	September, 2022	Retirement		Restructuring of the cadre along with increase in the cadre strength is proposed in the New Service Rule. Once the Service Rule is approved by Govt process shall be initiated for recruitment.
3	<b>Environmental, Planning, Mass Awareness and Public Relation service</b>						
	Planning and Research Officer	1	1	July, 2022	Promotional post. No eligible candidate		
4	<b>Finance and Accounts service</b>						

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	Assistant Manager (Finance & Accounts)	2	1	August, 2024	Recruitment vacancy		Restructuring of the cadre is proposed in the new service Rule.
5	<b>Administrative and Establishment service</b>						
	Assistant Manager (HR & Administration)	3	1	August, 2024	Recruitment vacancy		Restructuring of the cadre is proposed in the new service Rule.
	Administrative Assistant-II	26	1	August, 2024	Retirement vacancy	December, 2024	Recruitment committee meeting
	Driver	13	1	January, 2024	Retired	March, 2025	Restructuring of the cadre along with increase in the cadre strength is proposed in the New Service Rule. Once the service Rule is approved by Govt process shall be initiated for recruitment.
	Grade-IV	56	2	August, 2024	Retirement vacancy	December, 2024	Selection committee meeting

**Signed by**  
**Shantanu Kumar Dutta**  
**Date: 20-12-2024 15:39:30**

**A. Details of Laboratories w.r.t. Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.**

1. Pollution Control Board Assam has a total no of five (5) laboratory establishment viz.
  - i. Central Laboratory, 1978
  - ii. Regional Laboratory: Silchar, Bongaigaon and Sivasagar,1982
  - iii. Regional Laboratory: Tezpur,1998
2. None of the laboratory is declared as State Water Laboratory or as State Air Laboratory.
3. None of the laboratories is notified in the Official Gazette.
4. No State (or) Institute laboratories other than those set up by PCBA have been specified as State Water Laboratory or as State Air Laboratory, as per the information available with PCBA. However, the Pollution Control Board, Assam has notified a list of recognized Environmental Laboratories (Third Parties) authorized for Environmental Monitoring and Sampling of Effluent/wastewater, Ambient air/Stack emissions and Noise level across different categories of industries within the State of Assam.
5. (i) Number of Laboratory planned for notification as State Water Laboratory and as State Air Laboratory: 5 (five).  
  
(ii) Time required for Notification under Section 52 of Water Act and Section 28 of Air Act: 6 months.

**B. Information on Laboratory recognized as ‘Environment Laboratory’ under Environment (Protection) Act, 1986 (EPA 1986).**

1. Out of Board’s five (5) laboratory, only Central Laboratory of the PCBA is recognized as ‘Environment Laboratory’ under Environment (Protection) Act, 1986 vide No. Legal 42(3)/87 dtd. 19/06/2017 and valid up to 19/06/2022. It may also be noted that the Central Laboratory of Pollution Control Board, Assam has been assessed and accredited by National Accreditation of Board for Testing and Calibration Laboratories (NABL) Vide Certificate No.: TC-11384, having issue date 10.02.2023 and is valid till 09.02.2025.
2. The Board shall apply for recognition under Environment (Protection) Act, 1986 (EPA 1986) and renewal of NABL Accreditation of the Central Laboratory, PCBA.

3. Upgradation of the Silchar Regional Laboratory cum Office as per the requirement of NABL, has been initiated by the Board.
4. The Central Laboratory of Pollution Control Board, Assam has been assessed for The Occupational Health and Management System and found to be in accordance with the requirements of the system standard ISO 45001: 2018 bearing Certificate No: OIBPLK1213 having issue date 29/06/2024 and valid till 28/06/2027.

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

1. The PCBA under Schedule I of the EP Rules and prescribed all the parameters under Consent to Operate. Viz.
  - i. Air: 21 (AAQ & Emission)
  - ii. Water: 60 (Water & waste water)
2. The Board's laboratory has facility to monitor and analysis the parameters as at Schedule I of the EP rules.
  - a. Air: 21 (AAQ & Emission)
  - b. Water: 60 (Water & waste water)
3. Most of the routine parameters (water, air and noise monitoring parameters) are analyzed by all the existing laboratories of PCBA. The specific parameters like – Heavy Metals, Stack Emission monitoring parameters, Pesticides, etc. are carried out by the Central Laboratory.

In reference to the earlier **Letter No. WB/LAB-455/24-25/131** dated **December 13, 2024**, further additional details pertaining to **Point No. 5** of the Order dated September 11, 2024, concerning **OA No. 693/2023**, are provided below:

**Adequate infrastructure in the Laboratories of PCBs/PCCs**

1. The PCBA has initiated the process of upgrading the Silchar Regional Laboratory cum Office to comply with the requirements set by NABL (National Accreditation Board for Testing and Calibration Laboratories). A Work Order has been formally issued to start with the necessary improvements and ensure the laboratory meets the standards for accreditation.
2. Central Laboratory of PCBA has been upgraded by the procurement of sophisticated instruments such as Inductively Coupled Plasma-Optical Emission Spectrometer (ICP-OES), Gas Chromatography-Mass Spectrometry (GC-MS) and Ion Chromatography to meet the requirements of Heavy Metal and Pesticides analysis, including all the listed cations and anions.
3. Pollution Control Board, Assam has proposed to set up Mini Laboratories under Regional Office, Nagaon and Tinsukia and at Majuli College premises, for analysis of air samples monitored under National Air Monitoring Programme (NAMP).
4. Upgradation of the Regional Laboratory cum Office, Tezpur has also been initiated by PCBA.
5. The Regional Laboratory cum Office at Bongaigaon and Sivasagar shall soon apply for recognition under NABL.
6. The Board will also be equipped with a Total Organic Carbon (TOC) Analyser shortly.
7. The Board is well equipped with the necessary infrastructure to analyze parameters monitored under National Air Quality Monitoring Programme (NAMP) and National Water Quality Monitoring Programme (NWMP).



(G. K. Misra)

**Addl. Chief Env. Scientist**