

## **THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981**

At the United Nations Conference on the Human Environment held in Stockholm in June, 1972, India had participated to take appropriate steps for the preservation of the natural resources of the earth which, include the preservation of the quality of air and control of air pollution. This act came into force on 16<sup>th</sup> May, 1981. It is an act for the prevention, control and abatement of air pollution. This Act has 54 sections and 7 chapters – (I) Preliminary (II) The Central and State boards for the prevention and control of air pollution (III) Powers and functions of boards (IV) Prevention and control of air pollution (V) Funds, accounts and audit (VI) Penalties and Procedures (VII) Miscellaneous.

### **CHAPTER I- PRELIMINARY**

This Act may be called the Air (Prevention and Control of Pollution) Act, 1981. It extends to the whole of India.

Definitions:

(i) *Air pollutant* means any solid, liquid or gaseous substance (including noise) present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment.

(ii) *Air pollution* means the presence of pollutant in the atmosphere of any air pollutant.

(iii) *Automobile* means any vehicle powered either by internal combustion engine or by any method of generating power to drive such vehicle by burning fuel.

(iv) *Board* means the Central Board or State Board

(v) *emission* means any solid or liquid or gaseous substance coming out of any chimney, duct or flue or any other outlet.

(vi) *control equipment* means any apparatus, device, equipment or system to control the quality and manner of emission of any air pollutant and includes any device used for securing the efficient operation of any industrial plant.

### **CHAPTER II- THE CENTRAL AND STATE BOARDS FOR THE PREVENTION AND CONTROL OF AIR POLLUTION**

The Central and State Board for the Prevention and Control of Water Pollution shall, without prejudice exercise the powers and perform the functions of the Central and state Board for the Prevention and Control of Air Pollution under this Act.

### **CHAPTER III-POWERS AND FUNCTIONS OF BOARDS**

#### **Functions of Central Boards**

(a) To advise the Central Government on any matter concerning the improvement of the quality of air and the prevention, control or abatement of air pollution.

(b) To plan and cause to be executed a nation-wide programme for the prevention, control or abatement of air pollution.

(c) To provide technical assistance and guidance to the State Boards, carry out and sponsor investigations and research relating to problems of air pollution and prevention, control or abatement of air pollution.

(d) To lay down standards for the quality of air.

(e) To collect, compile and publish data relating to air pollution and the measures devised for its effective prevention, control or abatement of air pollution.

### **Functions of State Boards**

(a) To plan and execute comprehensive programme for the prevention, control or abatement of air pollution.

(b) To advise the State Government on any matter concerning the prevention, control or abatement of air pollution.

(c) To collect and disseminate information relating to air pollution.

(d) To collaborate with the Central Board in organising the training for prevention, control or abatement of air pollution and to organise mass-education programme.

(e) To inspect any industrial plant or manufacturing process or air pollution control areas and take necessary steps for the prevention, control or abatement of air pollution.

(f) To lay down, in consultation with the Central Board and having regard to the standards for emission of air pollutants laid down by the Central Board.

## **CHAPTER IV-PREVENTION AND CONTROL OF AIR POLLUTION**

(a) No person operating any industrial plant, in any air pollution control area shall be permitted to discharge the emission of any air pollutant in excess of the standards laid down by the State Board.

(b) If in any area, the emission of any air pollutant exceeds the standards laid down by the State Board occurs or is apprehended to occur, the State Board shall take mitigation measures and the expenses incurred shall be paid by the person concerned.

(c) Any person empowered by a State Board on its behalf shall have a right to enter, at all reasonable times, for the purpose of examining and testing any control equipment, industrial plant, record, register, document or any other material object or for conducting a search of any place in which he has reason to believe that an offence under this act has been made.

## **CHAPTER V- FUND, ACCOUNTS AND AUDIT**

The Central Government in each financial year make contributions to the State Boards to enable the State Board to perform their functions under this Act. Every State Board shall also have its own fund for the purposes of this Act. The accounts of the Board shall be audited by a duly qualified auditor.

## **CHAPTER VI-PENALTIES AND PROCEDURE**

Anyone who contravenes the rule, shall be punishable with imprisonment of not less than one year and six month but which may extend to six year and with fine which may extend to five thousand rupees for every day during which failure continues after the conviction for the first such failure. If the failure or contravention continues beyond a period of one year, imprisonment shall not be less than two year and may extend to seven year and with fine.

## **CHAPTER VII- MISCELLANEOUS**

The Central government or State Government can supersede the Central board or State Board respectively.

### **Amendments**

The Air (Prevention and Control of Pollution) Act was amended in 1987 to empower the central and state pollution control boards to meet with grave emergencies of air pollution.