

The State of India's Pollution Control Boards

Who is at the helm?

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1. INTRODUCTION

The Indo-Gangetic Plain (IGP) in India is one of the most polluted regions in the world. A densely populated region, with a large number of sources emitting a range of pollutants, regulating air pollution here is an extremely difficult and complex task. Several measures are afoot to improve air quality in this region, and the State Pollution Control Boards and Pollution Control Committees (SPCBs/PCCs) are playing a key role. However, these frontline agencies in pollution regulation are faced with several institutional constraints and challenges in discharging their mandate effectively.

In *'The State of India's Pollution Control Boards'*, we explore some of the key institutional issues faced by Boards in the IGP through a series of working papers:

- 1) **"Who has a seat at the table?"** – Examines the composition of the Boards and their ability to engage in policymaking and take decisions in furtherance of their statutory goals;
- 2) **"Who is at the helm?"** – Analyses the qualifications of the Board's leadership - the Chairperson and the Member Secretary, the length and stability of their tenure, and whether they are well-placed to guide the Boards' functioning; and
- 3) **"Who is in the field?"** – Evaluates the adequacy of the Boards' capacity – particularly technical capacity – to perform critical functions like consent granting, inspection, monitoring, and enforcement.

In this paper – the second in the series – we focus on the Board leadership – the Chairperson and the Member Secretary. They play a crucial role in heading these agencies and ensuring their functioning is in accordance with the statutory mandate. Under the Water Act¹ and the Air Act,² important statutory functions of the Board are delegated to them, and they need to be qualified to perform these functions effectively. The Water Act and the Air Act provide limited guidance on the qualifications of persons who should hold these posts. The issue of who can lead a pollution control board has been discussed in several reports and government correspondence. Specific appointments to leadership positions in different states have been challenged in High Courts over the years. The most comprehensive judicial consideration of the issue was in a 2016 judgment of the National Green Tribunal (NGT).³ Although the final outcome of the NGT's judgment was overturned by the Supreme Court, the Supreme Court shared the NGT's anguish at the state of governance of these boards, and significantly, directed states to form rules or guidelines for the recruitment of qualified persons to these two posts.⁴

Based on information collected from state governments and pollution control boards through applications filed under the Right to Information Act, 2005 (RTI Act), and from various government websites, along with information and views shared by senior Board officials during interviews, this paper describes the state of play on recruitment rules and guidelines on Board leadership five years after the Supreme Court's landmark judgment. It analyses the variations in qualifications for these posts across states, whether they are full-time appointments, and the length of tenures of the past five Chairpersons and Members Secretaries. It identifies the following important takeaways:

- **Preference for government candidates:** State governments have a clear preference for candidates who are, or have been, in government service for the roles of Chairperson and Member Secretary. This is most unfortunate as it comes at the cost of talented and experienced individuals from the academia or the private sector who could lead the Boards.
- **Part-time leadership:** The Chairperson's post is not full-time in several IGP states. Chairpersons often hold additional charge of other government departments. Despite a clear legal requirement for a full-time

¹ The Water (Prevention and Control of Pollution) Act, 1974 ('Water Act').

² The Air (Prevention and Control of Pollution) Act, 1981 ('Air Act').

³ *Rajendra Singh Bhandari v State of Uttarakhand*, 2016 SCC Online NGT 456 ('Rajendra Singh Bhandari').

⁴ *Techi Tagi Tara v Rajendra Singh Bhandari*, (2018) 11 SCC 734 ('Techi Tagi Tara').

appointment, at least three Member Secretaries in the IGP hold additional charge of other government departments. These individuals are thus not in a position to focus fully on the SPCB's expansive mandate and functioning.

- **Technical background:** Many interviewees believed that Chairpersons would be better equipped if they were in-service civil servants, while the Member Secretary should be from a “technical background”. The preference for civil servants in leadership roles is based on the belief that such a person will be able to ensure better inter-departmental coordination and align the SPCB's work with government priorities. The latter reason is a serious cause for concern as SPCBs are intended to be autonomous bodies.
- **Short tenures:** The tenure of Chairpersons and Member Secretaries varies widely despite most states having a fixed-term tenure for both positions. Several Chairpersons and Member Secretaries have held their posts for less than a year. Brief tenures make it challenging to effectively conceptualize and deliver on long-term plans for pollution mitigation.
- **Bureaucrat-dominated selection committees:** It is crucial to limit the state government's discretionary powers in the appointment process and to make the process more robust and procedurally sound. Several states prescribe the setting up of statutory search-and-selection committees for the posts of the Chairperson and Member Secretary that include an expert member along with government officials. While this is a positive step, it is a matter of concern that these committees are dominated by bureaucrats from the state government. Further efforts are needed to ensure that not only are competent candidates selected through a procedurally robust process, but once candidates are appointed, they enjoy full functional autonomy.

2. BOARD COMPOSITION AND QUALIFICATIONS OF LEADERSHIP

SPCBs and PCCs were constituted under the Water Act. With the coming into force of the Air Act, these bodies were deemed to have been constituted under the Air Act and therefore statutorily required to perform the functions stipulated in both laws. Subsequently, their mandate has expanded significantly as they have been given additional functions and powers under other environmental regulations as well.

2.1. Composition of Boards

Each SPCB is headed by a Chairperson and includes a Member Secretary and a maximum of fifteen members.⁵ Appointments to the SPCBs are made by the respective state governments. While the Member Secretary is required to be a full-time appointment, the Chairperson can be either full-time or part-time, as prescribed by the state government.⁶ The position of the Chairperson was required to be full-time under the Water Act, but this requirement was removed by an amendment to the law in 1978. Other members of the Board are part-time, with a majority being in an *ex-officio* capacity.

The fifteen members of the Board represent the following constituencies:

1. *State Government* (maximum of five officials);
2. *Local authorities* functioning within the states (maximum five persons nominated from amongst the members of such authorities);
3. *Various interests* of agriculture, fishery, industry, trade or any other interest as identified by the state government (maximum of three non-official); and

⁵ Water Act, sec 4 (2); Air Act, sec 5(2).

⁶ Water Act, sec 4 (2)(a) and (f); Air Act, sec 5(2)(a) and (f).

4. Two persons to represent *companies* owned, controlled or managed by the state government.

The state government must ensure that at least two persons on the Board have special knowledge on or practical experience in matters relating to improvement of air quality or the prevention, control or abatement of air pollution.⁷

The members nominated by the state government hold their position as long as they are in the service of the state government, or the company, or are members of the local authorities.⁸ Terms for other members is three years in duration, and they may be renominated.⁹ The tenure of Chairpersons and Member Secretaries is not stipulated in the Water Act or the Air Act. The terms and conditions of their service, as well as that of the other members, are prescribed in rules issued by state governments in this regard.¹⁰

The composition of PCCs is not prescribed in the same manner as for SPCBs. According to the Water Act and the Air Act, the Central Pollution Control Board (CPCB) exercises the powers of an SPCB in a union territory, and these powers may be delegated to such person or body of persons as the Central Government may specify.¹¹ The Central Government has exercised this power to constitute such a body – i.e., the PCC – in all the union territories, most recently in Jammu and Kashmir, Ladakh, and Delhi (1–3). Unlike the SPCBs, the Water Act and the Air Act do not specify who holds the powers to prescribe the qualifications and conditions of service for Chairpersons and Member Secretaries of PCCs. As PCCs are constituted by the Central Government, it could be assumed that the powers also lie with the Central Government.

2.2. Qualification of the Board leadership

According to the two laws, the Chairperson must have '*special knowledge or practical experience in respect of matters relating to environmental protection*'.¹² Neither law elaborates on what constitutes 'special knowledge' or 'practical experience'. A Member Secretary of the Board must possess such '*qualification, knowledge and experience of scientific, engineering or management aspects of pollution control*' as may be prescribed by the state government.¹³ The laws do not lay down qualifications for the other members of the Board with the exception being the inclusion of at least two members on the Board with air pollution expertise as stipulated in the Air Act.

Over the years, various reports of government committees and non-governmental organisations and official correspondence have discussed who is qualified to occupy the posts of Chairpersons and Member Secretaries and their terms of service (4–7). These documents have emphasised the need for the Board leadership to possess qualifications and experience that can deal with the predominantly scientific and technical nature of the Boards' work. Despite several letters issued by Central Government to state governments to ensure that appointments of these key Board functionaries are in accordance with the requirements of the law and recommendations of various committees,¹⁴ there have been many instances across states where persons who are evidently not qualified have been appointed to these posts. State governments have clear statutory powers under the Water Act and the Air Act to notify rules for qualifications and conditions of service for the Chairperson and the Member Secretary.¹⁵ But these rule-making powers had remained underutilised over the years.¹⁶ The Supreme Court's 2017 judgment, however, provided the much-needed impetus to state government to issue these rules.

⁷ Air Act, proviso to sec 5(2).

⁸ Water Act, sec, 5(2); Air Act, sec 7(2).

⁹ Water Act, sec, 5(1); Air Act, sec 7(1).

¹⁰ Water Act, sec, 5(8) and (9) read with sec 64(2)(a) and (e); Air Act, sec 7(7) read with sec 54(2)(aa) and (f).

¹¹ Water Act, sec 4(4); Air Act, sec 6.

¹² Water Act, sec 4(2)(a); Air Act, sec 5(2)(a).

¹³ Water Act, sec 4(2)(f); Air Act, sec 5(2)(f) read with sec 54(2)(a).

¹⁴ Techi Tagi Tara, para 35; see also, Rajendra Singh Bhandari, para 110.

¹⁵ Water Act, sec 12(1) read with sec 64(2)(e); Air Act, sec 5(2)(f), sec 7(7) read with sec 54(2)(a), (aa) and (f).

¹⁶ See for e.g. Techi Tagi Tara, para 12, 14.

3. JUDICIAL ENGAGEMENT ON QUALIFICATION OF LEADERSHIP

Over the years, the question of who is qualified to be appointed as the Chairperson or Member Secretary of a pollution control board has come up before the courts in several cases. Through *quo warranto* cases filed in different High Courts, the appointment of particular individuals at these positions has been challenged.¹⁷ The NGT which has wide jurisdiction to consider environmental issues in the country has had occasion to make observations on the functioning of environmental regulatory agencies, including the SPCBs, in several cases. In this section, we discuss a 2016 judgment of the NGT which comprehensively dealt with the issue of qualifications of Board leadership, and the Supreme Court judgment which overturned the NGT's final order. We also refer to a subsequent case before the NGT which has led to a performance audit of SPCBs.

3.1. National Green Tribunal's 2016 judgment in *Rajendra Singh Bhandari*

The issue of whether the Board leadership was appropriately qualified was brought before the NGT through an application in 2013. The applicant alleged that persons holding the posts of Chairperson and Member Secretary in the Uttarakhand Environment Protection and Pollution Control Board did not possess the necessary qualifications as stipulated in the law.¹⁸ The application claimed that appointees were often officers of the Indian Administrative Services (IAS) and Indian Forest Services (IFS) who held *ex-officio* posts and did not have the necessary knowledge and experience in the field of environment protection. Further, those appointed would often discharge their functions on a part-time basis, and many were transferred before completing their term. Initially the matter pertained only to Uttarakhand, but subsequently the Tribunal directed all states to become a party to the case,¹⁹ and to file affidavits detailing qualifications of current Chairpersons and Member Secretaries in their respective Boards.

The primary issue before the NGT was who was qualified to be a Chairperson and a Member Secretary of a Board. As the two laws – the Water Act and the Air Act – do not provide any guidance on the meaning of the terms 'special knowledge' and 'practical experience' in the context of the Chairperson's qualifications, the Tribunal relying on various dictionary definitions, concluded-

"122 ... the Special knowledge is where the information one acquires through learning which is exceptional, in greater quality and degree. It can be said to mean knowledge which is surpassing, distinguishing and exceptional in nature and is derived through rigorous study or research over a reasonable period of time, in the field of matters relating to environment.

Therefore, any person with knowledge which is ordinary or casual in respect of environmental matters will not qualify or become eligible in respect of appointment under consideration. Knowledge, qualified with the word special, has to be acquired through accepted and established norms of education i.e. an academic qualification in the field of environmental protection as recognized by university established by law." (emphasis as in original)²⁰

The Tribunal specifically added that the candidate must have to their credit 'either M.Sc. in Environmental Science/ Environmental Management or M.E./M. Tech. in Environmental Engineering or equivalent degree'.²¹

¹⁷ *Dr. B. Shivalingaiah v State of Karnataka*, 1993 SCC OnLine Kar 249; *Md. Najrul Hassan v State of Jharkhand*, 2008 SCC OnLine Jhar 190; *V. Anbazhagan v Govt. of T.N.*, 2015 SCC OnLine Mad 106.

¹⁸ The case originated in the High Court of Uttarakhand where the petitioner filed a writ petition *Rajendra Singh Bhandari v State of Uttarakhand*, W.P. (PIL) 136 of 2013. The High Court of Uttarakhand directed the petitioner to approach the National Green Tribunal.

¹⁹ *Rajendra Singh Bhandari v State of Uttarakhand*, Original Application No. 318 of 2013, Order dated 19.02.2015, para 5, available at <https://greentribunal.gov.in/gen_pdf_test.php?filepath=L25ndF9kb2N1bWVudHMvRWZpbGluZ19kb2N1bWVudHMvbmndoZG9jL2Nhc2Vkb2MvMDcwMTEwMDAwMjY5MjAxMjY4wNC8wMS8yNS8wNF8yNV8wMDFfMTYwNDk4NDEoNjUzMS5wZGY=> (accessed on 09.09.2022).

²⁰ *Rajendra Singh Bhandari*, para 122.

²¹ *Rajendra Singh Bhandari*, para 146.

On 'practical experience', the Tribunal held-

*"This would mean that a person with a basic knowledge and understanding of environment and its protection, which he might have obtained in the form of a Degree in Science, would be eligible for appointment if he has had actual experience in environmental protection. ... A person having practical experience in environmental protection and abatement of pollution, but without at least the basic knowledge and understanding of the environmental processes through degree in Science subjects, cannot be regarded as eligible for the said post. ... That leads us to hold that a person having practical experience must have a degree with Botany/Zoology/Chemistry or an allied subject wherein basic knowledge about ecology and environment are a part of the curriculum."*²²

With reference to the third eligibility criteria for the post of the Chairperson under the Water Act – knowledge and experience in administering institutions dealing with environmental protection²³ – the Tribunal stressed on the requirement of knowledge *along with* experience. The Tribunal considered it relevant that the Air Act which came into force after the Water Act does not have this eligibility criterion. It held it to be a conscious deletion by Parliament – implying thereby that other two criteria of knowledge and experience were imperative for the government to follow.²⁴ It held that a person was not an eligible candidate just by virtue of administering an institution dealing with environmental protection – as that was mere experience, and not necessarily knowledge. The Tribunal did not exclude IAS and IFS officers from the pool of potential candidates but held that candidates must have a degree in a science subject which relates to the environment.

With regard to Member Secretaries, the Tribunal emphasised that the appointment of part-time Member Secretaries was in violation of the law, as the statutes specifically required full-time engagement. Accepting the applicant's contention, the Tribunal observed that IFS officers were only taught a part of the subject areas that a graduate in environmental studies or environmental engineering/ management was taught. Therefore, it held that 'merely being a Member of Indian Forest Service or has retired from the said service is not the requisite qualification'.²⁵

In light of the statutory provisions and the interpretation provided in the judgment, the Tribunal directed the state governments to examine the qualifications of the current Chairpersons and Member Secretaries of the SPCBs and determine whether they are in accordance with the law. Besides this specific direction, the Tribunal also issued guidelines to the state governments to ensure that SPCBs function efficiently. Although these were termed as 'guidelines', they were worded prescriptively. The state governments were directed to notify rules under the Water Act and the Air Act specifying the qualifications for the posts of the Chairperson and Member Secretary;²⁶ posts of Chairpersons and Member Secretaries were to be openly advertised to attract the best talent;²⁷ Chairpersons and Member Secretaries were to have a fixed term – not dependent on their tenure in the state government, and they were to be allowed to complete their full tenure.

3.2. Supreme Court's 2017 judgment in Techi Tagi Tara

An appeal was filed against the Tribunal's judgment in the Supreme Court. The Supreme Court in its 2017 judgment held that the Tribunal did not have the statutory jurisdiction to direct states to reconsider the Board appointments and it could not have laid down guidelines for future appointments.²⁸ However, while setting aside the judgment of the Tribunal, it shared the Tribunal's anguish at the casual approach taken by the state governments while making these appointments. Emphasising the need to ensure that 'there should be considerable deliberation before an appointment is made and only the best should be appointed to the SPCB', the Court directed all states to-

²² Rajendra Singh Bhandari, para 146.

²³ Water Act, sec 4(2)(a).

²⁴ Rajendra Singh Bhandari, para 147.

²⁵ Rajendra Singh Bhandari, para 143.

²⁶ According to the Tribunal, the statutory language places an obligatory duty on the state governments to frame such rules – a duty, the Tribunal notes, most states have failed to perform to date. See Rajendra Singh Bhandari, para 128.

²⁷ Rajendra Singh Bhandari, para 150.

²⁸ Techi Tagi Tara, para 1.

*'frame appropriate guidelines or recruitment rules within six months, considering the institutional requirements of the SPCBs and the law laid down by statute, by this Court and as per the reports of various committees and authorities and ensure that suitable professionals and experts are appointed to the SPCBs.'*²⁹

The judgment was delivered on 22 September 2017, and states were thus expected to have issued appropriate guidelines or rules by 21 March 2018.

3.3. National Green Tribunal's directions in the Aryavart Foundation case

The extent of compliance with the Supreme Court's directions regarding recruitment of Chairpersons and Member Secretaries has been considered subsequently by the NGT. In a case concerning water pollution by industries in the Vapi Industrial Cluster, Gujarat, the NGT directed the Ministry of Environment, Forest and Climate Change (MoEFCC) to constitute a committee to 'consider steps to be taken to comply with the mandate of directions of the Hon'ble Supreme Court in *Techi Tagi Tara Vs. Rajendra Singh Bhandari & Ors.*'³⁰ This committee submitted a report in 2020 which provided the status of recruitment rules in various states and UTs (hereinafter 'Aryavart Foundation report') (8). The NGT also directed the CPCB to conduct a performance audit of all the SPCBs, which was submitted to the NGT in 2020 (9). After taking on record both the reports, the Tribunal in its 2021 order held –

*"The compliance status [of environmental norms] is directly linked to effectiveness of monitoring which requires that the key office bearers of statutory regulators and oversight bodies are qualified, competent and reputed and exclusively dedicated to such work, instead of devoting part time, while simultaneously holding other positions."*³¹

The Aryavart Foundation report and the CPCB's performance audit report are instructive about the internal functioning of the pollution control boards.

4. EXTENT OF COMPLIANCE WITH SUPREME COURT'S DIRECTION – COLLECTING DATA FOR IGP STATES

To assess the extent of compliance by states in the IGP with the judgment of the Supreme Court and related issues, we filed a series of applications under the RTI Act with the SPCBs of nine states and the Delhi Pollution Control Committee (DPCC) in August – September 2021. One of the issues we sought information on was –

*'We understand that on 22.09.2017 the Supreme Court had in the matter of *Techi Tagi Tara v. Rajendra Singh Bhandari* (Civil Appeal No. 1359/2017) directed the state governments to frame Recruitment Rules or appropriate guidelines for the appointment of the Chairperson and other members of the State Pollution Control Board. Please provide a copy of the Rules/Guidelines framed by the --- State Government in this regard.'*

A summary of information provided in response to this query is presented in Table 1.

*Table 1. Summary of information provided on recruitment rules or guidelines issued in compliance with Supreme Court's direction in *Techi Tagi Tara**

State/UT	Particulars of document provided/ Reply received	Date of the document
Bihar	Copy of Resolution issued by the Government of Bihar titled 'Guidelines for the nomination of Chairman, Members and appointment/ deputation of the Member Secretary of Bihar State Pollution Control Board'	06.08.2021

²⁹ *Techi Tagi Tara*, para 37.

³⁰ *Aryavart Foundation v M/s Vapi Green Enviro Ltd.*, 2019 SCC OnLine NGT 124, para 55.

³¹ *Aryavart Foundation v M/s Vapi Green Enviro Ltd.*, 2021 SCC OnLine NGT 4, para 17.

Chhattisgarh	Copy of <i>Chhattisgarh Environment Conservation Board (Qualification and other Terms and Conditions of Service of Chairman) Rules 2017</i> and <i>Chhattisgarh Environment Conservation Board (Qualifications, Terms and Conditions of Service of Member-Secretary) Rules 2017</i>	03.07.2017
Delhi	In reply dated 27.09.2021 it was stated – ‘The matter is under process in the department.’	
Haryana	Copy of <i>Haryana (Prevention and Control of Water Pollution) Rules 2019</i> [amending the <i>Haryana (Prevention and Control of Water Pollution) Rules 1978</i>]	20.11.2019
Jharkhand	Reply dated 06.10.2021 asked the applicant to approach a different department for the information. A first appeal against this reply was filed on 26.11.2021. No order on the appeal has been received till date. ³²	
Punjab	For Member Secretary, the following information was provided—no person shall be appointed as the Member Secretary, unless he holds a bachelor degree in Civil or Chemical or Environmental Engineering from a recognised university or institution in first division as a regular student; and, has a post qualification experience o[f] at least twenty-five years of environment laws in the State Government or its Public Sector Undertaking or Statutory body or Autonomous body, of which at least five years has been as Chief Engineer dealing with matters relating to regulation or environment laws.	
Rajasthan	Copy of <i>Rajasthan State Pollution Control Board (Qualification and other Terms and Conditions of Service of the Chairman and Member Secretary) Rules 2021</i>	11.08.2021
Uttar Pradesh	Copy of Advertisement No. 933/2021 issued by the Environment, Forest and Climate Change Section, Government of Uttar Pradesh for the posts of the Chairman and Member Secretary, Uttar Pradesh Pollution Control Board	10.12.2021
Uttarakhand	Copy of <i>Uttarakhand Pollution Control Board (Qualification and Terms and Conditions of Service of the Chairman and Member Secretary) Rules 2021</i>	19.01.2021
West Bengal	Copy of <i>West Bengal Prevention and Control of Water Pollution (Conditions of Service and Emoluments and Allowances of Chairman, Members and Member Secretary of the Board) Rules 1974</i> ; Notifications dated 07.06.2010 and 31.08.2018 amending the 1974 Rules	31.08.2018

Jharkhand and Punjab did not provide a copy of their rules in response to our RTI query. According to the Aryavart Foundation report, Jharkhand has notified recruitment rules for Chairperson and Member Secretary (8). Despite our best efforts, we could not access a copy of these rules. However, we were able to access a copy of an advertisement for the post of Chairperson which prescribes the qualifications for persons who may be appointed as Chairperson.³³ We were able to access copies of the 2018 rules for Chairperson and 2021 rules for Member Secretary on the internet for Punjab (10,11).

³² First Appeal dated 26.11.2021 filed under sec 19(1), RTI Act.

³³ Advertisement dated 05.08.2021, D/ACF/adv. (Mukesh), Department of Forest, Environment and Climate Change, Government of Jharkhand, Available at: < https://www.jspcb.nic.in/upload/whatsnew/6134e61206869Chairman_file.pdf > (accessed on 09.09.2022).

For Delhi, we were informed in response to the RTI application that the matter was under process in the department. According to the Aryavart Foundation report, DPCC does not have a sanctioned post for the Chairperson and therefore no recruitment rules need to be issued (8). During our research work, the DPCC was reconstituted in May 2022. Unlike its earlier composition in which the Secretary, Department of Environment, Government of Delhi was the Chairperson,³⁴ the Chairperson in the current composition does not appear to be an *ex officio* posting. Presently, no person holds charge of Chairperson of the DPCC (12). It has also been reported that the recruitment rules for the Member Secretary of the DPCC were under process and will be along the lines of the uniform recruitment rules issued by the CPCB (8).

In the next section, we analyse the information received in response to our RTI applications. We also conducted a series of semi-structured, key informant interviews. We spoke to 18 current and former senior leadership of the CPCB and SPCBs (Chairpersons, Member Secretaries, Environmental Engineers, and Legal Officers) across the IGP states. Interviewee responses were anonymised, and States were coded to ensure participant confidentiality. These data were supplemented by a review of previously published reports on SPCB functioning, and data that are available on various government websites.

5. ANALYSIS

The cut-off date to comply with the Supreme Court order was 21 March 2018. From the documents provided under the RTI Act and information available elsewhere, of the ten states/UT, only Punjab issued rules for Chairperson and Member Secretary before the deadline. Chhattisgarh issued rules for both Chairperson and Member Secretary before the Supreme Court's ruling. Uttar Pradesh has shared copies of advertisements for the two posts which provide qualifications for the candidates and their conditions of service. However, it seems the state is yet to issue recruitment rules (8).

The following key points emerge from our analysis about who is eligible to be at the helm of affairs in pollution control boards, their tenure, and the appointment process:

5.1. Educational and professional qualifications vary across states, with a clear preference for candidates from government service

Educational and professional qualifications of persons who can occupy the post of Chairperson vary across the eight states for which we have information. We do not have information for Delhi and West Bengal. According to information provided by West Bengal Department of Environment, an amendment was made to the 1974 Rules of the state after the Supreme Court's judgment. The amendment merely states that any person who has the qualifications laid down in Section 4(2)(a) of the Water Act may be considered for the post of the Chairperson. There is no further guidance on what the qualifying criteria for 'knowledge' and 'practical experience' are. As stated earlier, the DPCC has been recently reconstituted, and there is no clarity regarding the process of appointment and qualifications of the Chairperson.

The main points emerging from an analysis of the qualifications prescribed by the eight states are:

- Apart from Bihar and Chhattisgarh, the other six states have prescribed qualifications which specifically exclude persons who have not rendered government service (including in universities, statutory bodies etc.) from applying for the post of Chairperson.
- Educational qualifications relating to environmental issues have been prescribed in seven of the eight states. Of these seven states, six require a master's in science or a degree in engineering. Only Punjab accepts an undergraduate in science. Educational qualifications prescribed by Uttarakhand include several

³⁴ MoEF (CPCB), Notification S.O. 1729(E) vide 29.05.2012. This was rescinded by the 2022 notification re-constituting the DPCC.

subjects such as law and public administration, with no requirement of knowledge in environmental issues.

- In Haryana and Rajasthan, candidates from the All India Services who work in the central or state government are not required to meet the minimum educational qualifications in environmental issues that other candidates have to meet.
- Relevant practical experience in environment protection has been prescribed as a qualifying criterion in seven of the eight states. Minimum number of years of practical experience varies from ten to twenty years; except in Bihar, which but does not prescribe a minimum number of years. Uttarakhand does not require any practical experience in environmental matters.
- Four states – Bihar, Haryana, Jharkhand, and Rajasthan have prescribed a qualification relating to experience in administration of an institution relating to environmental issues. This qualifying criterion is part of the Water Act, but not of the Air Act. As discussed above, the NGT was of the opinion that persons just by the virtue of administering such institutions were not qualified to head a Board.

Regarding the Member Secretary's post, from replies received under the RTI Act and online research, we have information for seven SPCBs. For Delhi and Jharkhand, we have no information on this point. The present Member Secretaries in Delhi and Jharkhand are officers of the India Forest Service. The West Bengal Rules refer to the Section 4(2)(f) of the Water Act which provides no clear guidance. The key findings regarding qualifications for Member Secretaries are –

- Only Chhattisgarh permits a person from outside the government service with the necessary educational and professional qualifications to apply for the post of Member Secretary. In other states, the candidate is from government service.
- In five states, the minimum educational qualifications prescribed for the post is a master's in science or a degree in engineering. In Punjab, the minimum qualification is a bachelor's in science. In Bihar, the rules state that such an officer must have experience of administering and implementing environmental laws, without any further details regarding the candidate's educational and professional qualifications.
- In the Bihar, Haryana and West Bengal, the Member Secretary is appointed on deputation by the state government.

Interviews with current and former PCB leadership revealed that despite the Supreme Court's intervention, the definition of what constitutes "environmental management" experience is still vague, leading to these positions largely being occupied by IFS or IAS officers. A former senior CPCB official noted "*The main problem with the State Pollution Control Boards is the chairman and Member Secretary are generally, not all, but are generally not experts on pollution control, and they are either Indian Administrative Service or Indian Forest Service or sometimes even politicians*". It is debatable whether those from government service, including IAS and IFS officers, qualify as having the knowledge and practical experience of environmental management or pollution control. While most states in the IGP have now prescribed minimal educational and professional qualifications for persons who can be appointed in Board leadership positions, the clear preference for candidates from government service in the recruitment rules and guidelines, and the exemption for certain government officials from meeting these qualifications in some states is worrying.

5.2. Chairperson's post is not a full-time post in all states, and is predominantly held by government officials

The law permits state governments to decide whether the Chairperson's post is full-time post or not. According to the information available, in Bihar, Jharkhand, and West Bengal, the post of the Chairperson is a full-time post. The advertisement for the Chairperson's post in Uttar Pradesh envisages the possibility of a full-time post and accordingly prescribes different rules and service conditions for a full-time and part-time Chairperson. The Punjab

rules do not state that the position is a full-time post, but the Punjab SPCB's website states that the post is full-time in nature.

Through RTI applications, we sought information on the following three questions from the SPCBs/PCC:

- Is the position of the Chairperson of the --- Pollution Control Board a full-time position?
- Does the current Chairperson of the --- Pollution Control Board hold any additional position(s) or charge(s)? If yes, please provide the full title/designation of the additional position(s) or charge(s).
- Does the current Member Secretary of the --- Pollution Control Board hold any additional position(s) or charge(s)? If yes, please provide the full title/designation of the additional position(s) or charge(s).

The information received in response to the RTI Applications is summarised in Table 2.

Table 2. Summary of information received on whether the Chairperson's post is a full-time post and details of additional charge, if any, held by the Chairperson and the Member Secretary

State/UT	Is the Chairperson a full-time position?	Does the Chairperson hold additional charge? If yes, what is it?	Does the Member Secretary hold additional charge? If yes, what is it?
Bihar	Three years ³⁵	Yes; Research Fellowship in Mahavir Cancer Institute, Patna	No
Chhattisgarh	Yes ³⁶	Yes; Additional Chief Secretary, Hon'ble Chief Minister [office], Housing and Environment, PHI Department	No
Delhi	No	Yes; Secretary, Environment Department ³⁷ (<i>ex officio</i>)	Yes; Special Secretary, Environment
Haryana	No	Yes; Additional Chief Secretary, Agriculture and Farmers' Welfare Department	No
Jharkhand	No	Yes; Principal Chief Conservator of Forests (HoFF)	Yes; current MS is Regional Chief Conservator of Forests
Punjab	No answer	No answer ³⁸	No answer (reply states that the senior-most Chief Environment Engineer becomes the MS)
Rajasthan	No answer	Information denied ³⁹	Information denied
Uttar Pradesh	No	Information not held ⁴⁰	Current MS has no other additional charge
Uttarakhand	No	Yes; Principal Secretary, Forest and Environment Department, Government of Uttarakhand (<i>ex-officio</i>)	No answer. (reply gives copy of government order appointing current MS who is an IFS officer of the rank of APCCF)

³⁵ The 2021 Bihar Guidelines state that it is a full-time position.

³⁶ The 2017 Chhattisgarh Rules do not specify that it is a full-time position.

³⁷ The DPCC has been reconstituted subsequently in May 2022. The Chairperson of the newly constituted committee has not been appointed (12).

³⁸ In July 2021, a University professor in environmental sciences has been appointed as the Chairperson (13).

³⁹ In August 2022, an IAS officer has been appointed as the Chairperson. He is also CMD of Rajasthan Rajya Vidyut Prasaran Nigam Limited and Chairman, Rajasthan Renewable Energy Corporation (14,15).

⁴⁰ Presently, the website of the UP PCB does not provide a name of the Chairperson. The previous Chairperson resigned in June 2022 (16).

West Bengal	Yes	No	Yes; Principal Secretary, Mass Education Extension and Library Services, and Consumer Affairs Department
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It is clear that in most states in the IGP the Chairperson is from the government, and apart from the SPCB posting, the Chairperson holds charge in one or more government departments. In three states, the Member Secretary is holding additional charge – although the law requires them to be engaged on a full-time basis at the SPCB.

The Menon Committee Report of 2003 noted that the amendment to the Water Act permitting the Chairperson to be a part-time appointment was ‘the beginning of the devitalisation process of the SPCBs’ (6).⁴¹ The Committee recommended that ‘the position of the Chairperson should be filled on a full-time basis only, and by individuals who have a clear understanding of the field of environment, and desirably possess technical capabilities relating to some areas of the field’ (6). Subsequently, a Monitoring Committee appointed by the Supreme Court,⁴² while adopting the Menon Committee’s recommendation, also stated that Chairpersons should be a full-time appointment (17). In 2008, the Parliamentary Standing Committee recommended that Chairpersons should be appointed on a full-time basis (5).

In a case dealing with industrial water pollution in Uttar Pradesh, the NGT noted that the Member Secretary of the Uttar Pradesh PCB held two other additional charges. Emphasising on the need for full-time functionaries, the Tribunal observed –

“One wonders how one person can do justice to the job holding so many positions when even working as Member Secretary PCB requires full time involvement in view serious environmental issues awaiting attention. Independence in working is also bound to be affected when a person has multifarious functions, including as limb of the Government, making it difficult to work as independent regulator.”⁴³

On the question of whether the role of the Chairperson should be full-time or part-time (while holding additional charges), there were differing opinions, with the Member Secretary of State 3 suggesting that “*having a part-time Chairperson is that the decisions are in sync with Government priorities*”. The Chairperson of State 2 referred to his role as one that is meant to “balance interests” between competing parties. Questions on what “interests” a Chairperson is meant to balance, and why the SPCB’s decisions must be “in sync” with government priorities lead to concerns about how the leadership of the SPCB views the role of the institution itself and its relationship with the government, and how autonomous the SPCBs really are.

There were differing views when it came to the largely civil service background of the Chairpersons, with the Chairperson of State 2 suggesting that having a “generalist” at the top of the Board with government experience allows them to better balance interests and resolve conflicts. This view was echoed by the Member Secretary of State 1, who suggested that since SPCBs “*cannot work in a silo [outside] the government, [it is] best to have a CP that has a mix of scientific and administrative know-how*”. The Chairperson of State 2 also indicated that having a senior IAS officer as the head of an SPCB greatly expands the institution’s convening power – “*ULBs only listen to the SPCB because I am [Senior IAS] rank—being a civil servant helps*”.

During the interviews it was suggested that while the role of the Chairperson could be filled by a civil servant, the Member Secretary must be from a “technical background”. The Member Secretary of State 6 observed regarding the internal promotion of environmental engineers to the role that “*...we need to have people who understand the problem and what is going on? We [environmental engineers] have understood these problems for the last working for the last so many years... So, we need some person who can understand the problem right, and he may be able to give [the right] solution*”. A former senior CPCB official noted that this definition of “experience in pollution control” could also be expanded to

⁴¹ In 1997, the Supreme Court of India while hearing a case relating to import of hazardous waste in the country, had set up a High Powered Committee chaired by Prof. MGK Menon. The Menon Committee’s report *inter alia* studied the functioning of the environment protection authorities in the country including pollution control boards.

⁴² *Research Foundation for Science Technology National Resource Policy v Union of India*, (2005) 10 SCC 510.

⁴³ *Doaba Paryavaran Samiti v State of UP*, 2021 SCC Online NGT 463.

include senior staff of agencies such as the National Environmental Engineering Research Institute (NEERI), or similar. In his opinion, *“they can do a proper job as Member Secretary”*.

Their definition of what constitutes a technical background however differed, with some suggesting that an IFS officer was sufficiently qualified to discharge the duties of the Member Secretary, while others were of the opinion that this role could only be filled by an environmental engineer. The Member Secretary of State 1 opined that an IFS officer as Member Secretary would *“allow the state govt to retain control over the Board and can counteract corruption. The control of the state government is necessary, as a lot of money is involved”*. This perspective, as stated above for the Chairperson’s role, raises concerns including the perceived autonomy or lack thereof of the SPCBs from the government in spite of being setup as statutorily autonomous bodies.

The NGT in the *Rajendra Singh Bhandari* case had specifically directed that that ‘the post of Chairman/Member Secretary should be advertised and thrown open for all candidates irrespective of the fact whether they are in the Government, Academia or in private sector, so as to attract the best talent to man the said post’. Although the NGT’s judgment was overruled on jurisdiction grounds, it is important to note that the Supreme Court fully shared the NGT’s concern on government apathy on appropriate appointments to the Boards’ leadership position.

5.3. Chairperson’s tenure is not fixed in all states

The term of the Chairperson and the Member Secretary is not fixed in the Water Act and the Air Act. A perusal of the rules/guidelines/advertisements reveals that six of the nine states in the IGP have fixed the Chairperson’s tenure at three years. Of these six states, Haryana and Uttarakhand have a maximum age limit of 65 years and 63 years respectively for retirement for the Chairperson. Therefore, the term of the Chairperson may be shorter than three years. Chhattisgarh, Punjab, and West Bengal have not fixed the tenure of the Chairperson.

The term of the Member Secretary has been statutorily fixed at three years in four states in the IGP. In Punjab, although the term is fixed at three years, the Member Secretary can be removed from their post by the state government without any rationale being provided.

Over the years several committees have recommended a fixed tenure for the Chairperson. The Belliappa Committee report recommended that the Chairperson should be appointed for a minimum of three years, as frequent changes could ‘impair the growth of the Board’ (4). The MGK Menon Committee recommended that ‘[l]ike the office of the Comptroller and Auditor General, the tenure of the Chairperson of the Board should be for a period of five years, in order to ensure full independence’ (6,7,18).

Length of tenures of Board leadership has varied across states and even within the state. To understand the frequency of change in Chairpersons and Member Secretaries at the helm of affairs in the SPCBs in the IGP states, we sought the following information in a RTI application –

- For the present and past five Chairpersons and Member Secretaries of the --- Pollution Control Board:
 - a. Name
 - b. Date of taking charge
 - c. Date of retirement/leaving office

Information received from eight SPCBs and DPCC on Chairpersons and Member Secretaries has been tabulated and presented in Figure 1 and Figure 2 respectively.⁴⁴

⁴⁴ Uttarakhand did not provide specific dates of posting for the Chairperson and the Member Secretary. Punjab stated that as there was no person appointed as Chairperson, there was no information to be provided.

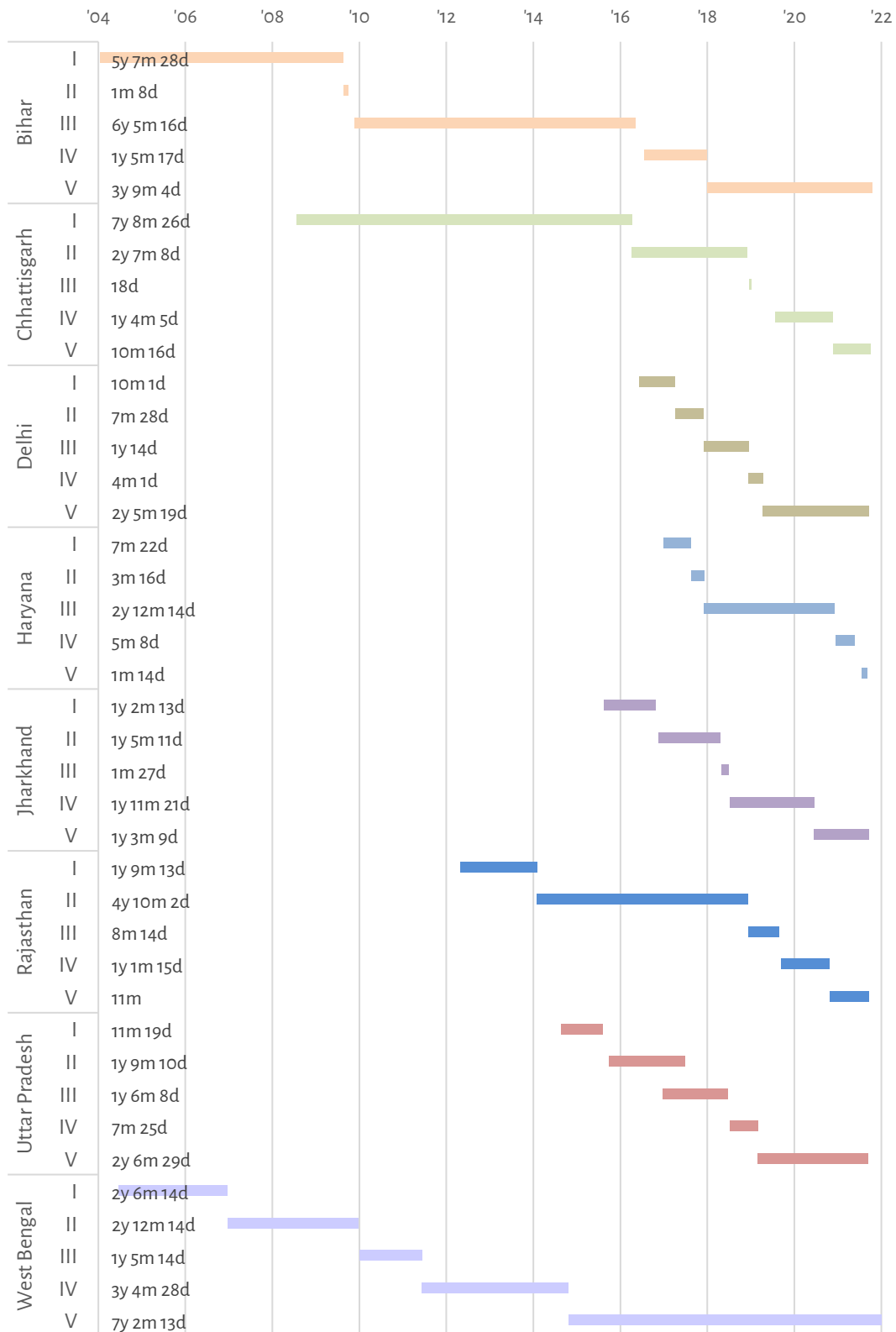


Figure 1. Tenures of previous 5 Chairpersons at 8 SPCBs/PCC. Coloured bars indicate the duration of tenures, while the data labels indicate the length of tenures in years, months and days. Tenure end date for those in position V has been considered to be the date of the RTI response by the SPCB/PCC and not their last day in office.

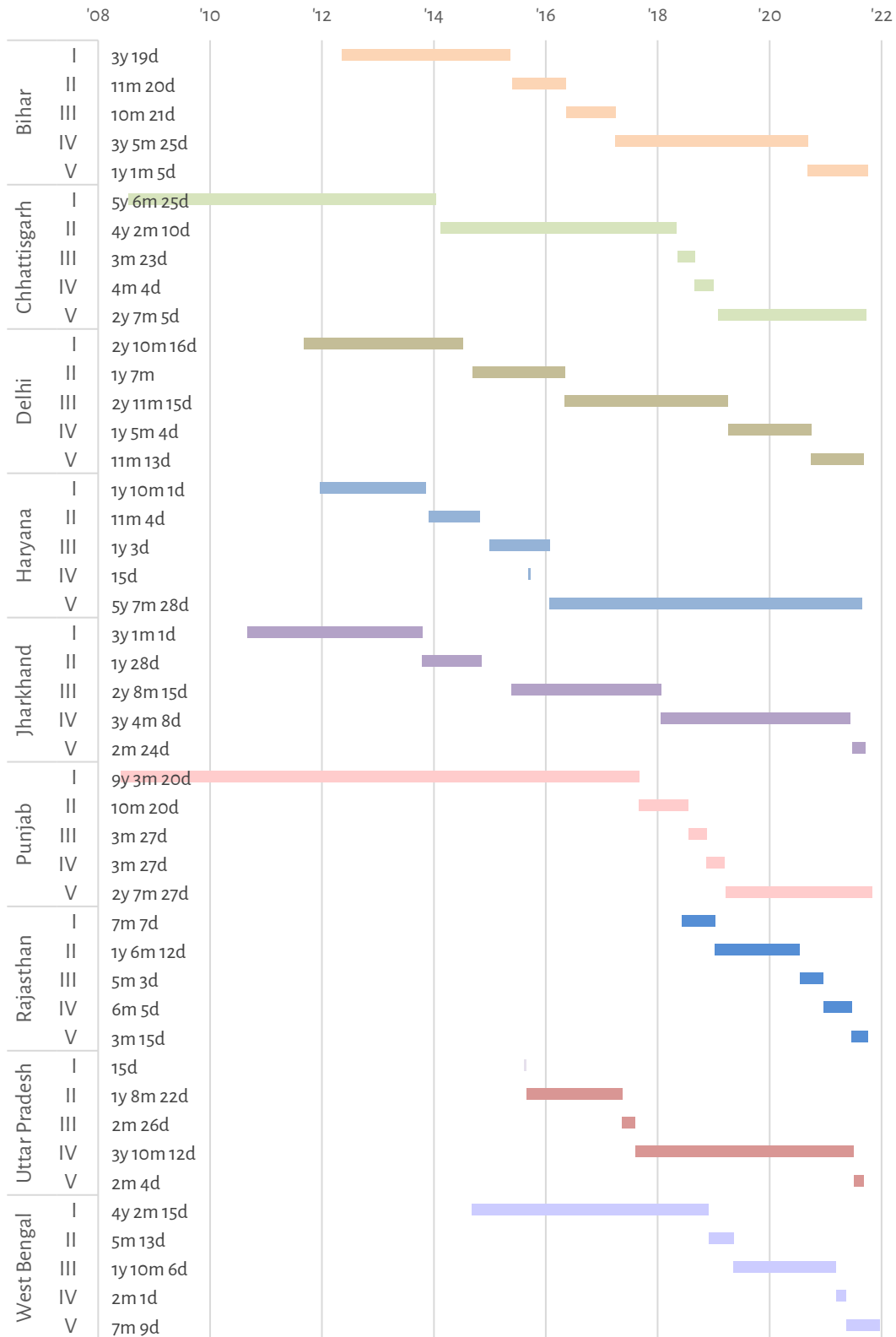


Figure 2. Tenures of previous 5 Member Secretaries at 9 SPCBs/PCC. Coloured bars indicate the duration of tenures, while the data labels indicate the length of tenures in years, months and days. Tenure end date for those in position V has been considered to be the date of the RTI response by the SPCB/PCC and not their last day in office.

To be able to discharge their functions effectively, Chairpersons and Member Secretaries need to enjoy statutorily fixed tenure, and this tenure should be for five years. Planning and implementing policies and programs for pollution abatement and control, ensuring that these programs and measures have the desired outcomes, and introducing strategic and systemic reform measures can take several years. Frequent transfers and short tenure inhibit Chairpersons from being involved in such functions (19). The Chairperson of State 1 during an interview clearly expressed the need for longer tenures as well. He said the planning and implementation of projects and programs takes up a lot of time, and if Chairpersons have to oversee the successful completion of such projects and programs, they have to be given security of five-year tenures at least.

In a different context, the Supreme Court has held that the chairpersons, vice chairpersons and members of tribunals must be appointed for a period of five years, with an option for reappointment.⁴⁵ The Court referred to an earlier judgment on the tenure of members of the (then) National Company Law Tribunal wherein it held –

“The term of office of three years shall be changed to a term of seven or five years subject to eligibility for appointment for one more term. This is because considerable time is required to achieve expertise in the concerned field. A term of three years is very short and by the time the members achieve the required knowledge, expertise and efficiency, one term will be over. Further the said term of three years with the retirement age of 65 years is perceived as having been tailor-made for persons who have retired or shortly to retire and encourages these Tribunals to be treated as post-retirement havens. If these Tribunals are to function effectively and efficiently, they should be able to attract younger members who will have a reasonable period of service.”⁴⁶

While admittedly these decisions are in the context of tribunals which perform judicial and quasi-judicial functions, the reasoning on length of tenure being five years is instructive in the context of SPCBs as well. Persons appointed as Chairpersons will undoubtedly take some time to understand their functions and powers across several laws and rules which fall within their purview, and to acquire some level of expertise in these subject areas to regulate effectively and provide guidance to the board and its staff.

There was unanimity among interviewees on the need for a longer, fixed tenure for Chairpersons. Both the Chairperson and the Member Secretary of State 1 suggested that a term of between 3-5 years was essential in ensuring effective planning and execution of pollution control strategies. The significant gaps observed between tenures of Chairpersons was also brought up by interviewees, with the Member Secretary of State 3 submitting that the vacancy of the Chairperson position in his Board had “brought work to a standstill”, as the hierarchy of decision-making does not allow the Member Secretary to take certain actions. For instance, escalation of enforcement measures beyond a point require approval from the Chairperson. On the other hand, the Member Secretary of State 4 suggested that rather than several short-tenure Chairpersons, their real problem was a shortage of staff within the SPCB, an issue we discuss in greater depth in the third paper of this series.

A statutorily fixed tenure could potentially reduce frequent transfers of Chairpersons due to extraneous factors unrelated to the Board’s functioning and the person’s ability to discharge their mandate. A fixed tenure, with the possibility of an extension (as in the case of Uttarakhand), can prevent an incumbent from heading a PCB for several years without any assessment of their past performance. The search-and-selection committees set up under the rules could be allowed to consider an application for re-appointment by the incumbent Chairperson, and while making such a decision the committee should review the incumbent’s performance.

5.4. Statutorily prescribed search-and-selection committees are a positive step

In its 2017 judgment, the Supreme Court held that a state government does not have ‘unlimited discretion or power to appoint anybody that it chooses to do’. The Court referred to a previous judgment on appointments to a Public

⁴⁵Madras Bar Association v Union of India, (2021) 7 SCC 369, para 60.4.

⁴⁶ Union of India v R. Gandhi, (2010) 11 SCC 1, para 120.

Service Commission in which it had observed that competent, honest, independent persons of outstanding ability and high reputation who command the confidence of people and who would not allow themselves to be deflected by any extraneous consideration from discharging their duties should be appointed. According to the Court, this would apply to SPCBs as well.

One way of circumscribing the state government's discretion in appointing the leadership of the boards is by putting in place procedural safeguards in the shortlisting and selection process and requiring the decision-making to be reasoned and transparent. A review of the recruitment rules, guidelines and advertisements revealed that in six of the ten states under consideration, a selection committee of bureaucrats headed by the chief secretary of the state has been prescribed for the selection of Chairperson.⁴⁷ Majority of these states also required the inclusion of an expert member in the committee. Typically, the committee prepares a shortlist of candidates and forwards it to the state government which then nominates a candidate for the post.

Other than the three states – Bihar, Haryana, and West Bengal – where appointment is through deputation, committees have been set up to recommend persons to be appointed as Member Secretary in the rest of the five states.⁴⁸ These committees are usually headed by the chief secretary of the state and include an expert member, and recommendations of the committee are sent to the state government for nomination of the candidate.

Apart from this, the process should be open to all candidates who meet the educational and relevant experience qualifications. The aim should be to reach out to the largest pool of applicants. Bihar and Chhattisgarh specifically state that applications for Chairpersons must be invited through advertisement and provide further details of the process. As mentioned earlier, it is only in these two states that persons from the private sector, i.e., with no record of service with government/ semi-government agencies can apply for the post.

Interestingly, the Hon'ble High Court of Punjab and Haryana held a different view in a 2010 judgment –

*“Statutory provisions made under 1974 and 1981 Acts empower the Government to nominate a person to be the Chairman of the Board. It is not an appointment for which applications are to be invited. It is the prerogative of the Government, to select and nominate a person who possesses the eligibility as prescribed under the statutory provisions”.*⁴⁹

However, with the subsequent issuance of specific rules on setting up of committees, it is doubtful that this is current position of law. The setting-up of these search/ selection committees is a step towards limiting the discretion of the state government by introducing a process that requires a group of persons to apply their mind to the suitability of an applicant. Along with other procedural requirements, as statutory committees, they are required to record reasons for their decisions, with their decision-making processes being subject to the provisions of the RTI Act.

This process of shortlisting of candidates by a committee is preferable to a direct appointment by a Minister or Chief Minister (often based on extraneous considerations). But the composition of these committees – dominated by bureaucrats from the state government – raises concerns about the ability of the candidate to function independently and without feeling the need to align with the government's priorities at the cost of meeting the Board's statutory goals. Further efforts are needed to make the appointment process less government-led and more expert-led, and increase transparency, to ensure that not only are competent candidates chosen through a well-reasoned and robust process, but that these candidates once appointed are able to enjoy full autonomy in their functioning.

⁴⁷ The rules for Haryana and West Bengal and the advertisement for the post of Chairperson issued by Jharkhand do not prescribe a selection process. For Delhi, until recently it was an ex officio post, and the current recruitment process is not clear.

⁴⁸ No information is available for Delhi and Jharkhand.

⁴⁹ *Ajit Kumar Rana v Union of India*, (2011) 161 PLR 771.

6. CONCLUSION

There are several reasons why SPCBs and PCCs in India are flailing while attempting to discharge their enormous mandate. Some of these reasons can be addressed, or at least mitigated, if there is competent, stable, visionary, and independent leadership guiding the functioning of the Boards. In 2017, the Supreme Court in the context of appointments to the leadership positions observed –

“...Such appointments should not be made casually or without due application of mind considering the duties, functions and responsibilities of the SPCBs.

2. Why is it important to be more than careful in making such appointments? There can be no doubt that the protection and preservation of the environment is extremely vital for all of us and unless this responsibility is taken very seriously, particularly by the State Governments and the SPCBs, we are inviting trouble that will have adverse consequences for future generations. Issues of sustainable development, public trust and intergenerational equity are not mere catch words but are concepts of great importance in environmental jurisprudence.”⁵⁰

Our research on the nine SPCBs and the DPCC has been instructive about the qualifications of the Board leadership; the status of the recruitment rules issued by the states and whether they are in consonance the Supreme Court’s judgment and the recommendations of previous committees; and some of the significant service conditions. The key takeaways can be summarised as follows:

- States have a clear preference for candidates who are, or have been, in government service for the positions of Chairperson and Member Secretary. Rules issued after the Supreme Court’s judgment have now given statutory backing to this preference. It is most unfortunate as it comes at the cost of talented and experienced individuals from academia or the private sector.
- As per the law, States have the discretion to appoint a full-time or part-time Chairperson. Despite previous committees clearly recommending full-time appointments given the nature of the position, the Chairperson’s post is not full-time in several IGP states. Chairpersons often hold additional charge of other government departments. Unlike for the Chairperson, the law categorically requires the Member Secretary to be a full-time appointment. However, at least three Member Secretaries in the IGP hold additional charge of other government departments. These individuals are thus not in a position to focus fully on the SPCB’s expansive mandate and functioning.
- Whether the Board leadership should be from the government service (particularly from the IAS and IFS cadres) or whether it should have a background in technical issues that are routinely dealt with by the SPCBs was an important point of discussion during our interviews. Many interviewees believed that Chairpersons would be better equipped if they were in-service civil servants, while the Member Secretary should be from a “technical background”. The preference for civil servants in leadership roles is based on the belief that the individual will be able to ensure better inter-departmental coordination and align the SPCB’s work with state government priorities. While inter-departmental coordination is essential to implement several pollution mitigation measures and enforcement actions, the expressed need to align with government priorities is serious cause for concern. Pollution control boards are intended to be autonomous bodies with statutory goals of pollution prevention and control. Government priorities may not always further these goals. In some cases, government agencies or public sector entities are likely to be defaulters that the Boards must bring to book. In such situations, the Board leadership’s functional autonomy is key to its effective functioning.
- The tenure of Chairpersons and Member Secretaries varies widely despite most states having a fixed-term tenure for both positions. Our research reveals that several Chairpersons and Member Secretaries have held their posts for less than a year. Brief tenures make it challenging to effectively conceptualize and

⁵⁰ Techi Tagi Tara, para 1-2.

deliver on long-term plans for pollution mitigation. Individuals have to spend considerable time first in understanding their roles and the regulatory, social, and political framework within which the Boards operate. Planning and designing programs and overseeing their implementation, constructively engaging with stakeholders, and adopting a longer-term vision for the Board can only happen after that.

- It is crucial to limit the state government's discretionary powers in the appointment process. Several states prescribe the setting up of statutory search-and-selection committees for the posts of the Chairperson and Member Secretary that include an expert member along with government officials. This is a positive step in reducing the exercise of discretion by the government or any individual. However, the pre-dominance of government officials in the committees raises concerns about the ability of the appointed candidate to function independently and not aligning the Board's functioning with the government's priorities. Further efforts are needed to ensure that not only are competent candidates selected through a procedurally robust process, but once candidates are appointed, they enjoy full functional autonomy.

Concerns relating to qualifications of the Board leadership are not new. Lack of action in this regard is a telling sign of the government apathy towards issues of institutional capacity and functioning. But as India's air pollution crisis shows no signs of receding, every effort needs to be made to introduce systemic and strategic reforms. Without competent leadership that enjoys a stable, full-time tenure, and that is able to exercise its powers without any form of extraneous intervention, such reforms are unlikely to see much success.

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