

CHAPTER 8
MISCELLANEOUS:
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8.1. *Scope of the Chapter: Sections 47 to 58*

Chapter 8 of the Air Pollution Act (Sections 47 to 58) contains miscellaneous provisions, including provisions for supersession and dissolution of Boards, maintenance of registers, effect of other laws and rules.

8.2. *Supersession: Section 47(1): Amendment needed*

Comments are needed only with reference to one section, namely, section 47. Section 47(1) (b) empowers the State Government to supersede a State Board constituted under the Air Pollution Act, if the State Government is of opinion "that circumstances exist which render it necessary in the public interest so to do".

It is not very clear what circumstances can justify the State Government in superseding a State Board. Default by the State Board in the performance of its functions is already dealt with in section 47(1) (a). The "public interest" justification needs to be made more specific. The least that can be done is to add a requirement in section 47(1) (b) that reasons must be recorded by the State Government when passing an order under section 47(1) (b).¹

8.3. *Powers of substituted functionary: Section 47(2) (b): Amendment needed*

There remains to be noted a minor point, arising out of section 47(2)(b), which provides that on supersession of a State Board, its powers etc. shall be exercised by such person or persons as the State Government may direct. A question may arise whether such substituted functionaries would enjoy the protection conferred by section 42 of the Act. Logically, they should. But the wording of section 47(2) may not necessarily lead to that position. It is better to have a specific provision in that regard, by amending either section 42 or section 47².

1 Point for amendment.

2 Point for amendment.