

# INDEX

## INDEX

	<b>Topic</b>	<b>Paragraph</b>
1.	Accounts.	6.2
2.	Acid rain.	2.3
3.	Act done in good faith.	7.4
4.	Air borne by industrial products.	2.4
5.	Air Laboratories.	4.8
6.	Air Pollution Act and atmosphere.	2.3
7.	Air Pollution Act and Water Pollution Act.	3.1
8.	Air Pollution Act – background.	1.3
9.	Air Pollution Act – international aspects.	1.3
10.	Air Pollution Act – object.	1.2
11.	Air Pollution Act – scheme.	1.5
12.	Air Pollution Act-territorial extent.	1.4
13.	Air pollution and burning.	2.3
14.	Air pollution and control equipment.	2.9
15.	Air pollution and noise.	2.3
16.	Air pollution – constitutional position.	2.3
17.	Air pollution control area.	5.2
18.	Air Pollution Control Board (Central).	3.4
19.	Air Pollution Control Board – Powers	3.9
20.	Air Pollution Control Boards (State Boards).	3.1 to 3.3
21.	Air Pollution – emitted through chimney.	2.8
22.	Air Pollution: prevention.	5.1
23.	Air Pollution – Stockholm Conference.	1.3
24.	Air Pollution under Indian Penal Code.	2.3
25.	Analysts, report of	5.8
26.	"Any other service" – Vagueness of	5.10
27.	Appeal against orders of State Board	5.1

28.	Appeals: section 31: Points for consideration	5.9
29.	Appellate Authority	5.9
30.	Appellate Authority – appointment of members of, by State Government	5.9
31.	Appellate Authority – constitution of, by State Government	4.8
32.	Appointment of Government Analyst	4.8
33.	"Approved appliance"—definition of, under section 2(c)	2.4
34.	"Approved fuel" – definition of, under section 2(d)	2.5
35.	'Atmosphere' – history of origin of the word	2.3
36.	"Automobile" – definition of, under section 2(e) of the Act	2.6
37.	Automobile pollution—provision regarding, under section 20	5.1
38.	Balance of convenience – need for consideration of	7.9
39.	Bar of jurisdiction – section 46	7.1
40.	Bar of jurisdiction: section 46: Amendment needed	7.9
41.	"Board" and "Central Board" – definition of, under section 2(f), 2(g)	2.7
42.	Board. – drastic powers of, under section 31A	3.9
43.	Board – issue of written directions by	7.2
44.	Board – refusal by, to make available the reports in its possession	7.6
45.	Boards – compulsory measures issued by, under section 31A	4.1
46.	Budget, Annual Report etc., sections 34 to 36	6.2
47.	Central and State Boards—borrowing power of	6.1

48.	Central Board – declaration as to main function under section 16(1)	4.2
49.	Central Board – directions by, to State Board	4.9
50.	Central Board – power of, to establish or recognise laboratories	4.4
51.	Central Board – provisions regarding, under section 3	3.1
52.	Central Board – specific functions of, under section 16(2)	4.2
53.	Central Government–directions by, to Central Board	4.9
54.	Chapter 7 – scope of	7.1
55.	Chimney – definition of, under section 2(h)	2.8
56.	Circumstances justifying – supersession of State Board by State Government–lack of clarity regarding	8.2
57.	Clause (b) of Explanation to section 31A– power conferred by	5.10
58.	Coercive powers – manner of exercise of	4.2
59.	Cognizance of offences – section 43	7.1
60.	Cognizance of offences: section 43(1): Amendment needed	7.9
61.	Comment about certain provisions under chapter 7	7.1
62.	Comment as to flaws of drafting in subsection 2 of section 43	7.6
63.	Comment as to scope of one of the provisions under section 30	5.8
64.	Comment regarding interpretation of provision under section 46	7.9
65.	Gommittee – provision for appointment of, under section 11	4.5
66.	Companies and Government Departments–offences by, under sections 34-41	7.1

67.	Companies and Government Departments: sections 40 and 41	7.3
68.	Comparison of Air Pollution etc. Act with Public Liability Insurance Act	1.3
69.	Compulsory measures by the Boards under section 18	4.1
70.	Conflict between directions issued	4.9
71.	Conflict between functions of Boards—how avoided	4.1
72.	Consent, grant of	5.4
73.	Contents of Preamble to Air Pollution etc. Act	1.3
74.	Continued contravention	7.2
75.	Contravention, continued	7.2
76.	"Control equipment"—definition of, under section 2(i) of the Act	2.9
77.	"Court not inferior to that of a Metropolitan Magistrate"—comment to as to meaning of	5.6
78.	Court not inferior to that of a Metropolitan Magistrate"—suggestion as to revision	5.6
79.	Court – power of, to order production and disclosure of report	7.6
80.	C.R.P.C. Sections 133, etc.—procedure laid down in	5.6
81.	Cryptic language of section 9	3.7
82.	Definition of "Air Pollutant" in section 2(a)	2.2
83.	Definition of "approved appliance" in section 2(c)	2.4
84.	Definition of "Approved fuel" under section 2(d)	2.5
85.	Definition of "automobile" under Air Pollution Act, section 2(e)	2.6
86.	Definition of "member" under section 2(1)	2.12

87.	Definition of "Noise"	2.3
88.	Definitions in section 2 of the Act— mention of	2.1
89.	Delegate, status of	3.9
90.	Delegation by Central Board to Committees: section 16(4) (a)	4.5
91.	Delegation of powers by State Boards	3.9
92.	Delegation of State Board's power to officer, etc.— question as to consequence of	5.9
93.	Delegation to be in writing	4.5
94.	Delegation—on canalised, as defeating the general scheme of the Act	3.9
95.	Delegation under section 15— extent of	3.9
96.	Directions by, and entrustment to, state Boards	4.8
97.	Directions issued— cancellation or modification of	4.9
98.	Directions issued— conflict between	4.9
99.	Directions: issue of, by Central or State Board	5.10
100.	Directions— power to issue, under section 18(1) (b), 31A	4.3
101.	Directions— purpose for which issued	5.10
102.	Directions under section 31A—mention as to nature of	4.1
103.	Disqualification of a member—grounds for	3.6
104.	Distinction between members and Mem- ber- Secretary	3.3
105.	"Electricity, water or any other service"— power to direct stoppage of	5.10
106.	Emergency powers—section 16(2) read with section 18	4.3
107.	Emission— definition of, under section 2(j)	2.10

108.	Emission of air pollutants: section 22	5.5
109.	Entrustment	4.8
110.	"Entrustment" – need to define scope of	4.8
111.	Enumeration of five groups, of Central Board functions	4.3
112.	Enumeration of functions of State Boards	4.7
113.	Enumeration of matters dealt with in chapter 7	7.1
114.	Enumeration of three outstanding features of section 15	3.9
115.	Enumeration of three types of directions provided under section 18(1)	4.9
116.	"Environment" comprehensive definition of in Environment Protection Act	2.2
117.	Environment Protection Act – chapter 2 of	2.2
118.	Environment Protection Act 1986– comprehensive definition under, of "environment"	2.2
119.	Establishment of Air laboratories by State Government.	4.8
120.	Explanation to clause 8(1) (d)	3.6
121.	Explanation to section 31A: declaration under	5.10
122.	Extent of delegation under section 15	3.9
123.	Functions analysed: section 16(2)	4.3
124.	Functions of Central Board under Air Pollution Act without prejudice to functions under Water Pollution Act.	4.2
125.	Functions of State Boards: section 17	4.7
126.	Functions of the Boards: overlapping and conflict	4.1
127.	Functions of the Central Board: section 16	4.2
128.	Fund: sections 32, 33 and 33A	6.1

129.	Fundamental powers: section 16(4) (b)	4.6
130.	Government Analyst—appointment of	4.8
131.	"Grave emergency"	4.10
132.	Grounds for disqualification of a member	3.6
133.	Ground for disqualification under section 8(1) (d)	3.6
134.	Human Environment—U.N. Conference on, at Stockholm	1.3
135.	Indian Penal Code—section 21 of	7.7
136.	Indian Penal Code, section 278—punishment under, for offenders	2.3
137.	"Industrial plant"—definition of, under section 2(k)	2.11
138.	Industrial plant—definition of, under section 2(k)	5.4
139.	Industrial plants – restriction on establishment of, under section 21	5.1
140.	Industries—illegal establishment of, in air pollution control areas	7.2
141.	Information, entry and inspection etc: sections 23 to 25: Need for amendment	5.7
142.	Information, statistics and miscellaneous section 16(2) (g), (i), (j)	4.3
143.	Injunction	7.9
144.	Injunction—conditions governing grant of	7.9
145.	Injunction—specific relief of	7.9
146.	Instructions for ensuring emission standards: section 20	5.3
147.	"Inter-Board" conflicts— avoidance of	4.1
148.	International background of the Act	1.3
149.	Laboratories	5.8
150.	Laboratories – section 16(3)	4.4
151.	Lack of harmony between sections 8(2) and 9	3.7



152	Legally enforceable duty – breach of	7.9
153.	Limitation under section 18(1) upon performance of functions of State Board	4.1
154.	Magistrate– provision under section 22A(2), as to procedure to be followed by	5.6
155.	Main objectives of Air Pollution etc. Act	1.2
156.	Marginal note in section 18	4.9
157.	Marginal note in section 31A	4.9
158.	Matters dealt with in chapter 7– enumeration of	7.1
159.	"may make such order as it deems fit"– comment as to inadequateness of	5.6
160.	"Member"–definition of, under section 2(1)	2.12
161.	Members etc. to be public servants– section 44	7.1
162.	Members etc. to be public servants: Section 44: Amendment needed	7.7
163.	Mention of definitions in section 2 of the Act	2.1
164.	Mention of punishment for offenders under section 278 of I.P.C.	2.3
164A.	Miscellaneous provisions under chapter 8	8.1
165.	Motor Vehicles Act, 1988–instructions to be given under, to the registration authority for enforcement of emission standards for motor vehicles	5.3
166.	Need for rectifying lack of harmony between sections 8(2) and 9	3.7
167.	Noise, definition of	2.3
168.	Non-approved air control equipment	4.8
169.	Non-approved fuel	4.8
170.	Non-approved fuel–power of State Government to prohibit use of	4.8

171.	"Notice .... of the alleged offence" comment as to inaccuracy of	7.9
172.	Notice to be given of the intention to complain, not of offence	7.5
173.	Notification for prohibition of (use of) non- approved fuel—conditions relating to	5.2
174.	"Occupier" – definition of under section 2(m)	2.13
175.	Offence involving moral turpitude—provision regarding in section 8(1) (c)	3.6
176.	Offences—penalties for – sections 37-48	7.1
177.	Offences: sections 37 to 39: Amendment to be considered	7.2
178.	Order of officer with delegated power of State Board – whether appealable	5.9
179.	Other laws and rules, effect of	8.1
180.	Penalty for non-compliance with direction – section 37	5.1
181.	Period, purpose and conditions of delegation – limitations as to	3.9
182.	Permanent injunction	7.9
183.	Permanent injunction – when granted	7.9
184.	Pollution Control Board – power of, under section 22A	5.1
185.	Powers and functions of State Boards under the Act – section-wise list of	3.9
186.	Powers of Board under section 17(1) – mention as to vast and comprehensive nature of	3.9
187.	Powers of substituted functionary: section 47(a) (b): Amendment needed	8.3
188.	Power to give directions: section 18(1)	4.9
189.	Power to give directions: section 31A: Amendment needed	5.10
190.	Power to State Government under section 20 of the Act	2.6

191.	Preamble to Air Pollution etc. Act – contents of	1.3
192.	Preamble to Air Pollution etc., Act – importance of	1.3
193.	"Prescribes"–definition of under section 2(n)	2.14
194.	Protection of action taken in good faith – section 42	7.1
195.	Protection of action taken in good faith: section 42: Amendment needed	7.4
196.	"Public" interest justification–need to make it more specific	8.2
197.	Reasons: need for recording of, by State Government	8.2
198.	Refusal by Board, to make available the reports in its possession	7.6
199.	Registers–maintenance of	8.1
200.	Registration authority – penalty for non-compliance by, not laid down in section 20	5.3
201.	Reports and returns	4.8
202.	Reports and returns: section 45	7.8
203.	Reports and returns to be furnished by the Board whenever required by the competent Government or authority–section 45	7.1
204.	Restraint order: section 22A: Need for amendment	5.6
205.	Restriction on establishment or operation of certain industrial plants: section 21	5.4
206.	Rule made by State Government – no provision to punish contravention of	7.2
207.	"rules made thereunder"– suggestion regarding substitution of	7.7
208.	Rules on specified matters – formulation of, by State Government	4.8
209.	Samples, – analysis of	5.8

210.	Samples, laboratories and analysts: sections 26 to 30: Need for amendment	5.8
211.	Samples of air or "emission" – power to take, under sections 26-30	5.1
212.	Samples-taking of	5.8
213.	Scheme of the Act	1.5
214.	Scope and contents of section 2 of Air Pollution etc. Act	2.1
215.	Scope of chapter 7	7.1
216.	Scope of chapter 8: sections 47-58	8.1
217.	Scope of the study	1.1
218.	"Second half" of section 46–suggestion regarding deletion of	7.9
219.	Second part of section 46–comment as to inexplicitness of	7.9
220.	Section-wise List as to powers and functions of State Boards under the Act	3.9
221.	Select List of State Government's powers	4.8
222.	Show cause notice	5.10
223.	Show cause notice – provision absent in section 31A regarding issue of	5.10
224.	Significance of the Act	1.2
225.	Specific functions of Central Board under section 16(2)	4.2
226.	Specific Relief Act, 1963	7.9
227.	Specific Relief of injunction	7.9
228.	"Specified acts"	7.2
229.	Standardisation – section 16(2) (b)	4.3
230.	Standards laid down under section 17(1) (g)– sub-legislative nature of	5.9
231.	State Board– default by	8.2
232.	"State Board" definition of, under section 2(o)	2.14

233.	State Board – delegation of powers by,	3.9
234.	State Boards– enumeration of functions of	4.7
235.	State Boards – limitations upon performance of functions of under section 18(1)	4.1
236.	State Board – point as to exercise of powers of, on supersession	8.3
237.	State Board – power of, to establish or recognise laboratories, under section 17(2)	4.4
238.	State Board – superseding of, by State Government	4.8
239.	State Board – supersession of	8.2
240.	State Government – directions by, to State Board	4.9
241.	State Government–power of, to enforce pollution standards for motor-vehicles	4.8
242.	State Government–power of, to prohibit burning of polluting material	4.8
243.	State Government’s powers–select list of	4.8
244.	Status of Delegate	3.9
245.	Study–scope of	1.1
246.	Sub-section 1 of section 19–power under, to State Government for declaring "air pollution control area"	5.2
247.	Substituted functionaries–question regarding protection conferred upon, by section 42 of Act	8.3
248.	"Such persons" – comment as to inexplicitness of	7.6
249.	Suggested version of section 18(1) proviso	4.9
250.	Suggestion as to revision of section 24(3)	5.7
251.	Suggestion for revising section 16(4) (a)	4.5
252.	Suggestion for revising section 43(1) (b)	7.5
253.	Suggestion regarding deletion of 'second half' section 46	7.9

254.	Suggestion regarding insertion of specific provision by amending section 42 or section 47	8.3
255.	Suggestion regarding power under sections 24(1), 25 to obtain entry and inspection	5.7
256.	Suggestion regarding revision of marginal note to section 31A	5.10
257.	Suggestions regarding sections 26 to 30	5.8
258.	Supply of papers to complainant: section 43(2): Amendment needed	7.6
259.	Suggestion regarding revision of section 42	7.4
260.	Suggestion regarding revision of section 43(2)	7.6
261.	Supersession and dissolution of Boards	8.1
262.	Supersession: section 47(1): Amendment needed	8.2
263.	Technical guidance and training—section 16(2) (d), (e)	4.3
264.	Temporary injunction	7.9
265.	Territorial extent of the Act	1.4
266.	Uncanalised delegation	3.9
267.	U.N. Conference on Human Environment at Stockholm	1.3
268.	Vast and comprehensive powers of Board under section 17(1)	3.9