

GOA FOUNDATION APPROACHES SUPREME COURT AGAINST POLLUTION CONTROL BOARD APPOINTMENTS COUNTRYWIDE

The Goa Foundation today filed a detailed writ petition under Article 32 of the Constitution for directions to State Governments to justify their present appointments to posts of Chairpersons and Member Secretaries of their Pollution Control Boards.

As per data made available in the petition, only five states out of 34 have Pollution Control Boards that are headed by persons who are adequately qualified to hold their posts. Of the remaining, 12 Boards have neither Chairpersons nor Member Secretaries that are qualified. In 13 other Boards, either the Chairperson or the Member Secretary is unqualified to hold the post.

The petition alleges that allowing Boards headed without competent persons at the helm of affairs is leading to environmental pollution and degradation and this situation cannot be tolerated as it affects the rights of petitioners under Article 21 of the Constitution of India.

The petition states that despite provisions in the Water Act and the Air Act stipulating qualifications for persons occupying such positions and despite numerous orders of the Supreme Court in this respect, State Governments continue to appoint persons whose only qualification is that they are powerful persons with political connections who are generally incompetent to run the Boards or give them the necessary vision and direction.

In the past decade or so, State Governments have been increasingly relying on the services of civil service officers from IAS/IFS to man these critical positions. This is clear from the table enclosed with the Petition. State Governments have taken the plea while appointing IAS officers as Chairpersons or Member Secretaries of PCBs that such officers often have basic science graduate degree or post-graduate degree in the field of science or engineering. The Menon Committee examined this argument and found that simply having a science or engineering degree is just not enough to provide effective leadership of the Boards whose activities are science and technology and experience-based.

It is important to emphasize that PCBs have a large team of scientists, engineers possessing degrees at graduate, post-graduate and doctoral level and working in the Board for several years. These officers already have gained huge expertise and knowledge in the area and field of pollution control by practice and by their functioning within the Board. Thus when the State Government appoints a junior level IAS officer as Member Secretary -- for example, a highly industrialised State like Maharashtra has appointed a junior level IAS officer at the level of Deputy Secretary as Member Secretary of the Board -- he is definitely incapable of providing leadership to the PCB's officers in terms of education, knowledge and experience. Such IAS officers being trained as bureaucrats resort to administrative and bureaucratic methods rather than methods based on technical knowledge or are simply unable to follow the problems of pollution which are technical in nature. Because in such cases the Member Secretary is less knowledgeable and experienced than the officers, the Board is unable to work as a team. As a result of such practices, the direction of the PCB is lost.

If the argument of the State Government is accepted that IAS officers possessing mere science degree are good for the post of Member Secretary, by the same corollary, an IAS officer with MBBS degree, after serving in the administration for 20 years, would become eligible to be appointed as Civil Surgeon or an IAS officer passing his LLB, having 20 years experience in the bureaucracy, would be suitable for posting as a District or High Court judge. If this is not so, a body like the Board, which demands a high level of technical experience and scientific understanding, must be protected from wrong appointments.

The appointment of civil service officers often leads to such officers being unable to resist pressures from Ministers. The Board is converted into a government department and is unable to resist pressures from powerful political persons in the interest of environment protection.

The Ministry of Environment and Forests itself wrote to all the Chief Secretaries on 27.7.2005 insisting on proper assignments. The letter has been ignored. In September 2008, the Parliamentary Standing Committee on Science & Technology, Environment and Forests also reiterated the need to appoint technically capable people as Chairperson and Member Secretary. Despite this, the situation either remains the same and in some States, has in fact further deteriorated.