

The policy decision is taken at the level of the Principal Secretary of Environment, Forest and Climate Change, Government of Bihar, or Chief Secretary Govt. of Bihar in consultation with the departmental officer, experts, NGOs, etc. Many times committees are formed, in which the Secretaries of different Departments are members along with other designated members. These committees submit the reports on which action is taken and policies are formulated.

Public can give their representation at the time of policy formulation when the policy is put on the website for comments. At the implementation stage, the people's representation is taken care of in modifying or changing the decisions.

CHAPTER-8

The statement of the Boards within the Department.

Following Boards are working in the ambit of the Environment, Forest and Climate Change Department:

Bihar State Forest Development Corporation Ltd

Bihar State Tanning Extract Ltd

Bihar Solvent & Chemical Ltd

Bihar State Pollution Control Board

State Environment Impact Assessment Authority

State Expert Appraisal Committee

Bihar State Biodiversity Board.

The first three Boards are not having much work after the introduction of Panchayati Raj and the delegation of the power of collection of NTFP to Panchayats. The Bihar State Pollution Control Board is active in checking the pollution in the state and issues NOC to industries for compliance with different rules relating to Water, Air, Noise Pollution Environmental Protection act, and many other acts related to Hazardous Substances and e-Waste.

Bihar State Pollution Control Board

Compliance towards obligations of Public Authority

4. Obligations of Public Authorities - Every Public authority shall-

- (a) Maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriated to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different Systems so that access to such records is facilitated;

- Bihar State Pollution Control Board has been maintaining all its records in a manner and the form which facilitates RTI applicants to get information sought within the given time limit.

Board has its own website where all important infunciton/ documents are being uploaded from time to time.

- (b) Publish within one hundred and twenty days from the enactment of this Act-

(i) The particulars of its organization, function and duties;

Constitution of the Board;

Link: -<http://bspcb.bihar.gov.in/about.html>

Link:-<http://bspcb.bihar.gov.in/parstavana.pdf>

History of the Board

1. Board of Directors comprising of maximum 17 members. All powers are vested in the Board.

Chairman

Chairman is the chief Executive officer of the Bihar State Pollution Control Board. Day to day decisions are taken by the chairman within the power vested in him under the water Pollution (Prevention and Control) Act, 1974; Air Pollution (Prevention and Control) Act, 1981; and Environment (Protection) Act, 1986.

Financial powers of the Chairman:

1. Financial powers of the chairman has been revised for Rs. 1 Lakh to Rs. 5 Lakhs vide Board's notification no 1916 dated 25-09-20218

Link: - <http://bspcb.bihar.gov.in/deligation%20of%20financial%20power.pdf>

2. **Member Secretary** : Member Secretary carries out the work as and when assigned by the Board/ The Chairman. Financial powers of the Member Secretary:

- Powers for contingency expenditure was revised from Rs. 50,000/= to Rs. 1 Lakh vide Notification No.- 1916 dated 25-09-2018

Link:- <http://bspcb.bihar.gov.in/deligation%20of%20financial%20power.pdf>

3. **Deputy Analyst:**

Deputy Analyst: works under Member Secretary. He is responsible for entire work related the Central Laboratory in the HQ of the Board and Laboratories established at Regional offices of the board in Bihar.

Beside all types of duties under water, Air and E(P) Act, as delegated by the Board/ Chairman / Member Secretary

4. **Regional Offices:**

At Present there are six (6) Regional Offices of the Board in Bihar namely:-

1. Patna 2. Gaya 3. Muzaffarpur 4. Barauni (Begusarai), Bhagalpur and Purnia Regional Office at Patna, Muzaffarpur and Barauni are running from its own building.

Regional Office Building of Purnea and Bhagalpur are under construction. At present Regional office Gaya, Purnea are

running from BSPCB, HQ, Patna. Whereas, Regional office Bhagalpur is running under RO, Barauni in a rented accommodation.

Link: - http://bspcb.bihar.gov.in/regional_office.html

2. Regional Officers: Duties

Includes all types of duties as delegated by the Board Chairman/ Member Secretary under water, Air and E(P) Act;

Link:- <http://bspcb.bihar.gov.in/parstavana.pdf>

3. Financial Power of Regional Officers:-

- Financial powers of the Regional Officers was increased from Rs. 500/- to Rs. 10,000/= in case of Cash payment and in case in payment by cheque it was revised from 25,000/= to Rs. 50,000/=.

Link:- <http://bspcb.bihar.gov.in/deligation%20of%20financial%20power.pdf>

4. Scientist:

Duties: obligation under different Rules viz. Plastic Waste Management Rules, 2016; Bio Medical Waste Managements Rules, 2016; E-Waste Management Rules, 2016; Municipal Solid Waste (Management and Handling) Rules 2016; Construction and Demolition Waste Management Rules, 2016; Hazardous Waste and other Wastes (Management and Transboundary Movement) Rules, 2016; Battery Management & Handling Rules, 2001.

(iii) The procedure followed in the decision making process, including channels of supervision and accountability:-

- Any industrial Unit or activity willing to start any function in the State has to apply to get Consent / Authorisation / Registration from this Board under different Acts and Rules.

The application for above consents in the Board are accepted online only.

For the purpose, a Seprate window is available on the Website of the Board- **bhocmms.nic.in** Any application received seeking consent to Establishment / to Operations / for Authorisation / for Registration under different Acts / Rules are processed after it is received in the 'RECEIPT SECTION' (IT Cell) of the Online Consent Management and Monitoring System(OCMMS). The application is then forwarded to the dealing 'ASSISTANT'.

After putting his comments the application is forwarded to the SECTION OFFICER concerned.

After scrutiny of the Validity of the application, it is forwarded to the 'ASSISTANT ENVIRONMENT ENGINEER/ ASSISTANT SCINTIFIC OFFICER concerned of the Board as the case may be for further process.

After scrutiny of the application, it is forwarded to the concerned 'Environmental Engineer/ Dy. Analyst who after inspection of the site of the proposed operation, industry/ Activity, the application along with the inspection report (IR) is forwarded to the Member Secretary for decision making who reports the matter to the Chairman of the Board. Chairman, who is responsible to the the Board finally approves or refuse the proposal to grant Consent (NOC) / Authorisation / Registration.

After approval of the Chairman, the e. file is sent downwards up to the singing and issuing authority as per the powers delegated to the Official by the Board / Chairman, who issues such Consent / Authorisation/ Rejection and upload it on the Website of the Board.

(iv) The norms set by it for the discharge of its functions;

- (a) Member secretary: looks after overall administration of the Board and reports to the Chairman.

(b) Environmental Engineer / Scientist / Dy. Analyst perform their functions as per the direction of the Member Secretary as prescribed by the statutes.

(v) The rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;

- The Bihar State Pollution Control Board is a regulatory Board which implements the provisions of the following Acts & Rules.

Acts:-

- (i) The Water (Prevention and Control of Pollution) Act, 1974.

Link:-

[http://bspcb.bihar.gov.in/Water\(Prevention%20and%20Control%20of%20Pollution\)Rules,1986.pdf](http://bspcb.bihar.gov.in/Water(Prevention%20and%20Control%20of%20Pollution)Rules,1986.pdf)

- (ii) The Air (Prevention and Control of Pollution) Act, 1981 and

- (iii) The Environment (Protection) Act, 1986.

Link: <http://bspcb.bihar.gov.in/air%20act%201983%20rules%20GoB.pdf>

Rules:-

- (i) The water (Prevention and Control of Pollution) Rules 1975, as amendment to date;
- (ii) The Air (Prevention and Control of Pollution) Rules, 1981 as amended to date
- (iii) Solid Waste Management Rules, 2016;
- (iv) Plastic Waste Management Rules, 2016;
- (v) Construction & Demolition Waste Management Rules, 2016;
- (vi) Bio-Medical Waste Management Rules, 2016;
- (vii) E-Waste (Management) Rules, 2016;
- (viii) Noise Pollution (Regulation & Control) Rules, 2000;

(ix) Hazardous and Other Waste (Management & Transboundary & Movement) Rules, 2016.

(x) The Battery (Management & Handling) Rules, 2001.

(vi) A statement of the categories of documents that are held by it or under its control;

➤ List of Manuals:

(a) CTE/CTO Manual

link:-<http://bspcb.bihar.gov.in/ocmms%20hindi%20user%20manual.pdf>

(b) Auto Renewal Manual

Link:-http://bhocmms.nic.in/SPCB_DOCUMENTS/autorenewalpptothers.pdf

(c) Authorisation under Bio-Medical waste (Management & Handling Rules, 2016).

(vi) Statements of the categories of documents held by it or under its control:-

(a) Application for CTE/CTO /Authorisation/Registration under Various Rules.

Link:-<http://bspcb.bihar.gov.in/ghc.html>

(b) CTE/CTO / Authorisation issued / Registration to the applicant industries (Public Available Domen)

Link:-http://ocmms.nic.in/OCMMS_NEW/deshboard.jsp

(c) Public Complains / Grievances (Physical and virtual format)

(d) Inspection reports (Hard and Soft Copy)

(e) Public Complaints

(f) RTI Application

(g) Documents related to Establishment, Account Section, Central Laboratory, Legal Section, PR Cell;

(h) Draft EIA reports received for Public Hearing under EIA notification (Hard and Soft Copy)

(vii) The particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;

- Public Hearing is conducted by the BSPCB as per the EIA Notification issued under Environment (Protection) Act, 1986 by the Ministry of Environment, Forests and Climate Change, Govt. of India for granting Environment Clearance by the State Environment Impact Assessment Authority (SEIAA)

(viii) A statement of the boards councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;

- Board Meeting is not open to the public, but the proceedings of the Board meeting is accountable to the public.

(ix) A directory of its officers and employees;

- A list of the employees & Officers of the Board is appended below:-

Link: to be updated.

(x) the monthly remuneration received by each its officers and employees, including the system of compensation as provided in its regulations;

- A List of Board Officials and employees with their remunerations is enclosed:-
- Link: to be updated.

(xi) The budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;

- The budget allocation for the Year 2021-2022 is appended below:-
Encl.

Link:-<http://bspcb.bihar.gov.in/Budget%202021-2022.pdf>

(xii) The Manner of execution of subsidy programmes, including the amount allocated and the details of beneficiaries of such programmes.

➤ Not Applicable

(xiii) Particulars of recipients of concessions, permits or authorizations granted by it;

➤ Already available in the Board's OCMMS portal

Link:-http://ocmms.nic.in/OCMMS_NEW/deshboard.jsp

(xiv) Details in respect of the information, available toOr held by it, reduced in an electronics form;

➤ All relevant information is available on the Board's website in electronic form.

(xv) The particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;

(A) The Board facilitates applicants to deposit RTI fee / document fee in Cash at the counter of the Board;

(B) The Board has the facility to receive the RTI application and issues its receipt;

(C) The Board provides sitting facilities to the applicants;

(D) The Board has facilities of clean drinking water & sanitization facility for the applicants.

(xvi) The names, designations and other particulars of the Public Information Officers;

- Each Regional Officers of the Board is named Public Information Officer for the districts under their jurisdiction which are as below:-

Besides a PIO (HQ) is also named for the matters pertaining to the subject other than that of Regional Officer's jurisdiction.

1. Mr. Anil Kumar, EE
PIO cum Regional Officer, Patna
(Patna, Kaimur, Rohtas, Buxar, Bhojpur, Nalanda and Vaishali)
2. Mr. S.P Roy, EE
PIO cum Regional Officer, Barauni
(Begusarai, Khagaria, Lakhisarai, Sheikhpura, Samastipur, Bhagalpur, Munger, Banka and Jamui).
3. Mr. A.K.Gupta, EE
PIO cum Regional Officer, Gaya
(Gaya, Nawada, Arwal, Jehanabad and Aurangabad).
4. Mr. S.N Thakur, AEE
PIO cum Regional Officer, Purnea
(Purnea, Kishanganj, Katihar, Araria, Saharsa and Supaul).
5. Mr. Sain Kumar, AEE
PIO cum Regional Officer, Muzaffarpur
(Muzaffarpur, Darbhanga, Madhubani, Sitamarhi, Gopalganj, Siwan, Sheohar, Saran, East Champaran and West Champaran).
6. Mr. Anjani Kumar Sinha
PIO cum AEE, BSPCB (HQ), Patna

FIRST APPELLATE AUTHORITY:-

The Member Secretary of Bihar State Pollution Control Board, is named as the First Appellate Authority to hear the appeal filed before him.

(xvii) Such other information as may be prescribed.

NIL