

Going Up In Smoke

Status of Compliance with the Supreme Court order on Online
Continuous Emission and Effluent Monitoring



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Executive Summary

Quality of air and water arguably has the most immediate impact on the lives of citizens. Access to knowledge about the quality of air and water in their surroundings is therefore essential for a democracy's health, literally and figuratively. Online Continuous Emission or Effluent Monitoring System (OCEMS) is designed to continuously display emission levels from specific industries online, on the websites of the respective state/union territory pollution boards. The Supreme Court, in a 2017 judgement, had mandated that all the Pollution Control Boards in India enable public access of OCEMS data. Three years after the apex court's judgment, half of the boards are yet to comply with its direction. Many others are only partially compliant. This lack of compliance to the Supreme Court direction is a hindrance to the citizens' right to clean environment.

Online Continuous Emission or Effluent Monitoring System (OCEMS) involves an intricate set of equipment assembled to relay emissions and effluent discharge levels in real time to servers of State Pollution Control Boards (SPCBs), Pollution Control Committees (PCCs) as well as the Central Pollution Control Board (CPCB). The data from OCEMS portal helps regulators in overall surveillance of industries. Besides government monitoring, public access to continuous availability of pollution data online can be instrumental in keeping additional vigilance on pollution from industries. Any rise in pollution from an industrial unit has first and foremost implication on the people living in its vicinity. Thus, the Online Continuous Emission or Effluent Monitoring System (OCEMS) provides a means to realise their right to clean air and water, by empowering them with information on possible sources of pollution interfering with these rights.

There are total 35 SPCBs and PCCs in India. Three of the states/UTs—Lakshadweep, Arunachal Pradesh and Mizoram—do not have any industries which require installation of OCEMS (CPCB, 2020). Therefore, only 32 SPCBs/PCCs were required to comply with the Supreme Court direction, of which 50% have not yet created online continuous emission or effluent monitoring portals. Of the 16 states/UTs that have complied with the judgment, only 38% let the user assess historical data. The rest only display current monitoring values or data only from past 24 hours to 30 days.

This impediment in data availability limits the citizens' involvement in major public discussions around pollution from industries. Historical data is crucial in studying the efficacy of monitoring programmes. Researchers in China used historical OCEMS data to demonstrate a reduction in SO₂ emissions from thermal power plants after the government announced stricter emission standards in 2014 (Stauffer, 2019). Public access to this data is therefore an important and desirable element in a OCEMS programme.

In addition to availability, ease of accessibility is also a key metric to evaluate the success of OCEMS. In case of Chhattisgarh, Gujarat and Rajasthan, finding the portal or accessing the online CEMS data was difficult as the portal was either inconspicuously given on the PCB website, or it involved multiple complex steps to access the data.

In case of states Jharkhand, Bihar, Delhi, Punjab, Haryana, Kerala and Madhya Pradesh, several monitoring stations were "inactive" or "offline". The portals did not offer any explanation on their offline or inactive status. For other states, it was difficult to determine the status of monitoring stations. Thus, evaluating all the aforementioned factors, the compliance with the judgment seems to be rather weak even in places where the OCEMS portal has been established.

Other findings:

- A tendency to create confusion was observed on the websites of some state boards. For instance, in case of Andhra Pradesh the section "Real Time Pollution Monitoring System" on the home page of the PCB website does not give OCEMS data, in spite of what the name suggests. Instead, the data is given in the section "Environmental Monitoring". Similarly, in Gujarat, the OCEMS results are displayed under the section "Information" on the home page of its website.
- In states like Karnataka and Odisha, OCEMS portal link is given on the homepage of state board's website but

the data remains password protected.

- There has been no attempt made so far by Chandigarh, Maharashtra, Uttar Pradesh, Dadar & Nagar Haveli, Daman & Diu, Manipur, Nagaland, Sikkim, Uttarakhand, Tripura, Assam and Puducherry to make OCEMS data accessible to public.
- There are a few pollution control boards such as Jammu & Kashmir and Goa, that have done a far better job in terms of placement of the portal on their website, availability of historical data, and simple representation of data. ■

Objective of the Report

The objective of the report is to study the progress made by the State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs) in making online continuous monitoring system (OCEMS) data available in the public domain. The purpose is to reflect on the seriousness of SPCBs and PCCs to disseminate information on industrial emissions¹ and effluents². The report intends to highlight gaps in the monitoring mechanism and recommends a way forward.

Background

Online Continuous Emission Monitoring System (OCEMS) finds its genesis in the “Polluter Pays Principle” and stresses on strengthening self-regulatory compliance and monitoring regime (CPCB, 2018). The origin of online CEMS for compliance monitoring can be traced back to 2009 when the first online CEMS was installed at the Indraprastha power plant in Delhi (CPCB, 2018). Subsequently, the Central Pollution Control Board (CPCB) vide its Office Memorandum, 2014³ issued directions under Water and Air Acts to the State Pollution Control Boards (SPCB) and Pollution Control Committees (PCC) for directing the 17 categories of highly polluting industries⁴ and other common pollution control facilities such as Common Effluent Treatment Plants (CETPs), Common Bio-Medical Treatment Facility, Common Hazardous Waste Treatment Facilities, and Municipal Solid Waste Treatment Facilities to install online CEMS. (CPCB, 2014)

The overall objective of OCEMS is to increase transparency in the pollution reporting and to consequently improve industry compliance. Automated emission or effluent monitoring system employs a set of equipment to monitor air and water quality data from industries and other polluting facilities in real-time. The main aim of the system is to derive emission data with minimal human interference and relay it to the respective state or central pollution control authorities. The raw data from these servers can be further converted into simpler formats for broadcasting.

Reiterating the importance of real-time online monitoring for industrial emissions, the Supreme Court in its Judgment⁵ dated February 22, 2017 directed all the states and union territories “to make provision for online, real time, continuous monitoring system to display emission levels, in the public domain, on the portal of the concerned State Pollution Control Board”. The direction was to be complied to within six months of its release.

Though data from OCEMS is still not being used for regulatory purpose or for purpose of action (CPCB, 2018), the availability of portal ensures participation of all the stakeholders, namely general public, government, industries, and academia. This report explores the status of compliance with the aforementioned judgment and analyzes the “ease of access” to information generated by the monitoring system. ■

Figure 1: Excerpt from the Supreme Court of India Judgement on Pariyavaran Suraksha Samiti Vs. Union of India

326	SUPREME COURT CASES	(2017) 5 SCC
(2017) 5 Supreme Court Cases 326		
(BEFORE JAGDISH SINGH KHEHAR, C.J. AND DR D.Y. CHANDRACHUD AND SANJAY KISHAN KAUL, JJ.)		
PARYAVARAN SURAKSHA SAMITI AND ANOTHER	..	Appellants;
<i>Versus</i>		
UNION OF INDIA AND OTHERS	..	Respondents.
Writ Petition (C) No. 375 of 2012 [†] , decided on February 22, 2017		
Environment Law — Water/River/Coastal Pollution — Effluents, Sewage, River and Lake Pollution — Effluent treatment plants, common effluent treatment plants, and sewerage treatment plants — Establishment and functionality of — Directions to that effect issued — Industrial units without functional effluent treatment plant directed to not be permitted to be operational — Directions for time-bound construction of common effluent treatment plants and for making sewerage treatment plants functional issued — Mechanism for implementation of these directions also explained — Role of local bodies/Municipalities therein, emphasised		
— Regarding dysfunctional common effluent treatment plants due to lack of finances and maintenance, held, onus on functionality of such plants rests on municipality and/or local bodies under Art. 243-W of Constitution — These authorities cannot shy away from their responsibilities — According to Arts. 243-X and 243-Y, these authorities can evolve norms for revenue generation to install and run common effluent treatment plants — For generation of financial resources, norms may include all or any of commercial or industrial or domestic beneficiaries of facility — Supervising these norms assigned to Secretaries of Urban Development and Local Bodies — These norms to be finalised by 31-3-2017 so that they can be implemented from next financial year — If local authorities not ready with such norms, then concerned governments shall support financial requirement for running dysfunctional common effluent treatment plant — Constitution of India — Arts. 21, 32, 48-A, 243-W, 243-X, and 243-Y and Sch. XII Entry 6 — Water (Prevention and Control of Pollution) Act, 1974, Ss. 24, 25 and 26 (Paras 4 to 17)		
G-D/58368/C		
Advocates who appeared in this case :		
Ms Pinky Anand, Additional Solicitor General, Anil Grover, S.S. Shamsbery, Purushaindra Kaurav, Additional Advocates General and Colin Gonsalves, Senior Advocate [Gunjan Singh (for Ms Jyoti Mendiratta), S.W.A. Qadri, Ajay Sharma, Balendu Shekhar, Ansh Singh Luthra, Hemant Arya (for G.S. Makker), Satish Kumar, Sanjay Kr. Visen, Amit Sharma, Ankit Raj (for Ms Ruchi Kohli), Mishra Saurabh, Ankit Kr. Lal, Ms Vanshuja Shukla, Ms Anuradha Mishra, Ms Hemantika Wahi, Ms Jesal Wahi, Ms Mamta Singh, Ms Bhuvneshwari Pathak Kaushik, Ms Shilpi Satya Priya Satyam, Rahul Kaushik, Ashutosh Kr. Sharma, Tapesh Kr. Singh, Mohd. Waquas, Sukant Vikram, Aditya Pratap Singh, S. Udaya Kr. Sagar, Mrityunjai Singh, Guntur Prabhakar, Ms Prerna Singh, M.R. Shamshad, Rajat Singh, Aditya Samaddar,		
† Under Article 32 of the Constitution of India		

provide that the directions pertaining to continuation of industrial activity only when there is in place a functional “primary effluent treatment plants”, and the setting up of functional “common effluent treatment plants” within the timelines, expressed above, shall be of the Member Secretaries of the Pollution Control Boards concerned. The Secretary of the Department of Environment, of the State Government concerned (and the Union Territory concerned), shall be answerable in case of default. The Secretaries to the Government concerned shall be responsible for monitoring the progress and issuing necessary directions to the Pollution Control Board concerned, as may be required, for the implementation of the above directions. They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data and shall furnish the same to the Bench of the jurisdictional National Green Tribunal.

14. To supervise complaints of non-implementation of the instant directions, the Benches concerned of the National Green Tribunal, will maintain running and numbered case files, by dividing the jurisdictional area into units. The abovementioned case files will be listed periodically. The Pollution Control Board concerned is also hereby directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters.

15. Liberty is granted to private individuals and organisations, to approach the Bench concerned of the jurisdictional National Green Tribunal, for appropriate orders, by pointing out deficiencies, in implementation of the above directions.

16. It however needs to be clarified that the instant directions and timelines shall not in any way dilute any timelines and directions issued by courts or Benches of the National Green Tribunal, hitherto before, wherein the postulated timelines would expire before the ones expressed through the directions recorded above. It is clarified that the timelines expressed hereinabove will be relevant, only in situations where there are no prevalent timeline(s), and also, where a longer period has been provided for.

17. It would be in the interest of implementation of the objective sought to be achieved, to also require each State concerned (and each Union Territory concerned) to make provision for “online, real time, continuous monitoring system” to display emission levels, in the public domain, on the portal of the State Pollution Control Board concerned. We are informed that at least three State Governments have already adopted the aforesaid measures. Such measures shall be put in place by all the State Governments concerned (including the Union Territories concerned), within six months from today.

18. The instant writ petition stands disposed of, in the aforesaid terms.



Methodology

The “ease of access” analysis scores the compliance by States/UTs on five parameters: Availability of OCEMS portal, Visibility of OCEMS portal, Accessibility of OCEMS data, Presence of OCEMS Historical Data and Format of Information disclosure on OCEMS portal.

Basis of selection of Parameters

- Availability of OCEMS portal- Data is compiled for all the states/UTs for availability of OCEMS portal for public access on SPCB’s website.
- Visibility of OCEMS portal- Visibility of the portal has been determined based on the number of steps it takes to reach the portal from the main website of the respective SPCB.
- OCEMS Status- The availability of OCEMS portal is useful only if the data from the industries is accessible to public. The parameter has been evaluated based on the number of industries for which the status of OCEMS is “offline” or “inactive”, without any justification).
- OCEMS Historical Data- The states have been given scores depending on whether historical data is available or only latest reported record is there on the portal.
- Format of Information disclosure on OCEMS portal- The states have been evaluated based on the ease of understanding of data dissemination format on the OCEMS portal.

The website and portals of the relevant pollution control authorities were reviewed against the five scoring parameters developed by Legal Initiative for Forest and Environment (LIFE). Each parameter is evaluated and colour-coded based on its level of compliance:

- Red- Not complied
- Orange- Partially complied
- Yellow- Complied ■

Observations & Discussion

There are total 35 SPCBs and PCCs in the country. Three of the states/UTs–Lakshadweep, Arunachal Pradesh and Mizoram–do not have any industries that require installation of OCEMS (CPCB, 2020). An overall score to the state was given based on the maximum number of times a colour appeared in the band for respective State/UT (as given in Table-1).

- 50% of the states/UTs have not complied with the Judgment.
- Only 6 (38%) of the 16 states/UTs which have established OCEMS portal show historical data for OCEMS. Another 5 (32%) of them display data ranging from 24 hours to 30 days. Remaining 5 (32%) states only display the current or last reported pollution levels.
- OCEMS status is offline or inactive for a large number (>50%) of industries in Bihar and Madhya Pradesh. In other states such as Delhi, Haryana, Jharkhand, Kerala and Punjab, 25% to 35% of the industries are either offline or inactive. For remaining states, it is difficult to determine OCEMS status.

Depending on the overall score received, the states have been disaggregated into 3 groups -

- A. States which have not complied with the Judgment
- B. States which have partially complied with the Judgment
- C. States which have complied with the Judgment but need improvement. ■

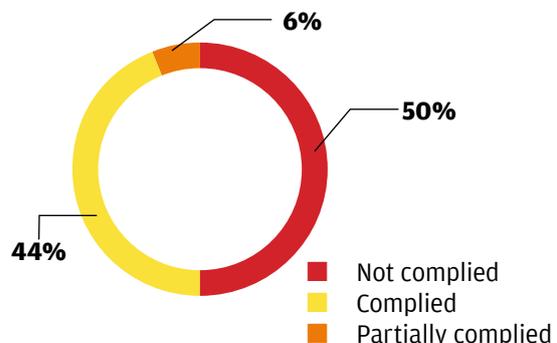


Figure 2: Compliance status of States/UTs with direction under "Paryaran Suraksha Samiti" Judgment (Writ Petition (Civil) No. 375 of 2012 dated 22.02.2017).

Table-1: Cost comparison between Manual Monitoring Station and CAAQMS for single location

S. No.	State	CEMS Portal Availability	CEMS Portal Visibility	CEMS Status (offline/online/active/inactive)	Historical Data	Format of data representation	Overall Compliance Status
1	Andaman & Nicobar	■	■	■	■	■	■
2	Andhra Pradesh	■	■	■ Difficult to determine	■ for last 24 hours	■	■
3	Arunachal Pradesh	Not required	Not required	Not required	Not required	Not required	Not required
4	Assam	■	■	■	■	■	■
5	Bihar	■	■	■ 23 to 28 offline, 17 to 18 online	■ Only last reported value	■	■
6	Chandigarh	■	■	■	■	■	■
7	Chhattisgarh	■	■	■ Difficult to determine	■ Difficult to determine	■	■
8	Dadra & Nagar Haveli	■	■	■	■	■	■
	Daman & Diu	■	■	■	■	■	■
9	Delhi	■	■	■ 45 offline, 101 online	■ Only last reported value	■	■
10	Goa	■	■	■	■	■	■
11	Gujarat	■	■	■ Difficult to determine	■ for Last 30 days only	■	■
12	Haryana	■	■	■ 292 offline, 687 online	■ Only last reported value	■	■
13	Himachal Pradesh	■	■	■ Difficult to determine	■	■	■
14	Jammu and Kashmir	■	■	■ Difficult to determine	■	■	■
15	Jharkhand	■	■	■ 101 live, 36 offline	■	■	■
16	Karnataka	■	■	■	■	■	■
17	Kerala	■	■	■ 14 inactive, 5 partailly active, 24 active	■ for Last 30 days only	■	■
18	Lakshadweep	Not required	Not required	Not required	Not required	Not required	Not required
19	Madhya Pradesh	■	■	■ 88 active, 102 inactive	■	■	■

S. No.	State	CEMS Portal Availability	CEMS Portal Visibility	CEMS Status (offline/online/active/inactive)	Historical Data	Format of data representation	Overall Compliance Status
20	Maharashtra	■	■	■	■	■	■
21	Manipur	■	■	■	■	■	■
22	Meghalaya	■	■	■ Difficult to determine	■	■	■
23	Mizoram	Not required	Not required	Not required	Not required	Not required	Not required
24	Nagaland	■	■	■	■	■	■
25	Odisha	■	■	■	■	■	■
26	Puducherry	■	■	■	■	■	■
27	Punjab	■	■	■ 44 offline, 109 online	■ Only last reported value	■	■
28	Rajasthan	■	■	■	■	■	■
29	Sikkim	■	■	■	■	■	■
30	Tamil Nadu	■	■	■ Difficult to determine	■ for last 24 hours only	■	■
31	Telangana	■	■	■ Difficult to determine	■ for last 24 hours only	■	■
32	Tripura	■	■	■	■	■	■
33	Uttar Pradesh	■	■	■	■	■	■
34	Uttarakhand	■	■	■	■	■	■
35	West Bengal	■	■	■	■	■	■



States and Union Territories Compliance Reports

A. States that have not complied

Andaman and Nicobar Island

The Andaman and Nicobar Pollution Control Committee (A&N PCC) has not yet created the portal for display of OCEMS data in public domain. The union territory needs special mention here as not only has the A&N PCC not created a portal for OCEMS data display, the PCC's website also cannot be accessed directly⁶. Search engine (Google here) does not directly display the link for the PCC website even in the first 100 results.

The Andaman and Nicobar Pollution Control Committee operates under the Department of Science and Technology, Andaman & Nicobar. It must be noted that unavailability of a direct link to the website is a dissuasive mechanism to keep public from accessing the industrial emissions data by making the process more cumbersome.

Within the PCC website, there are links to pages for “Air Environment”, “Water Environment”, among a few others. These links, however, only give data for the ambient air quality and water quality in the UT and no information has been given on industrial emissions.

Rajasthan

Rajasthan State Pollution Control Board (RSPCB) has displayed the OCEMS results for various industries in an auto-scroll window on the bottom left corner of its website.

The Board has only superficially taken ease of “public accessibility of OCEMS data” into consideration. The section where results are shown is constantly moving, making it impractical for generating public awareness. It is not functional in nature, seeming more like a deception made to comply with the judgment only in name. It is impossible to decipher the reporting period of any of the pollution parameters recorded for respective industries. Also, it is a test of patience to find data for an industry of interest as the 1.5”x1.5” inches (approximately) “CEMS display window” does not leave much scope to look at multiple industries or even multiple parameters for particular industry at a glance.

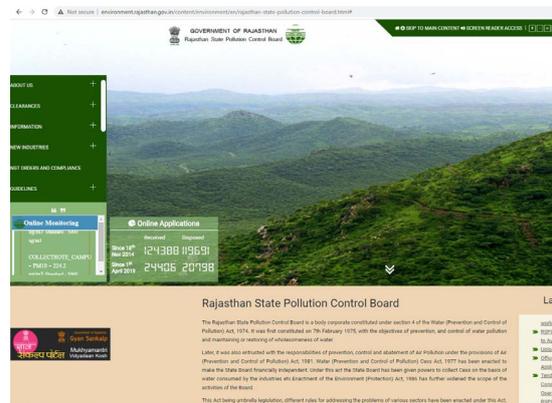


Figure 3: Screenshot of OCEMS display provided by RSPCB on the homepage of its website.

West Bengal

The West Bengal State Pollution Control Board (WBPCB) has surreptitiously given the link for access to OCEMS data on its homepage.

A click on the OCEMS data tab takes us to a list of 43 industries. These are yet again hyperlinks, which need to be clicked to access data from each individual industry. Figure 5 shows the list of industries available on OCEMS data portal on WBPCB website. It is important to mention here that the 14 thermal power plants in the state are missing from the list of industries on the portal⁷.

Further inquiry shows that emissions data is not publicly available in 41 of the 43 listed industries. In fact, for 88% of the listed industries, the links do not show any data⁸. In the two cases where data is accessible, only water quality information for short duration of relay-time for respective pollutants is available. There is no option to access the emission or effluent data for desired period. This implies that any episodic event where industrial emissions do not meet the NAAQ/Water Discharge standards may easily be missed from public eye. The non-availability of old

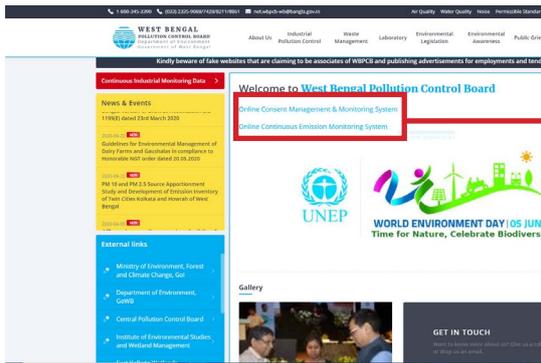


Figure 4: WBPCB official Website Homepage.

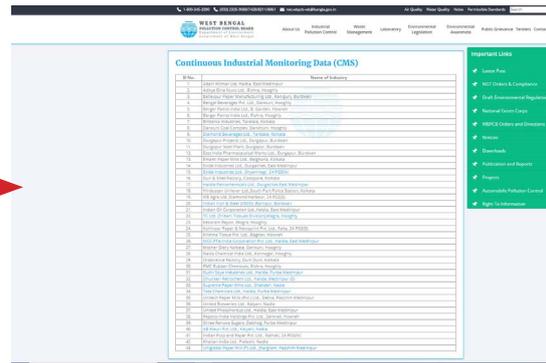


Figure 5: Screenshot of the OCEMS data portal on WBPCB website

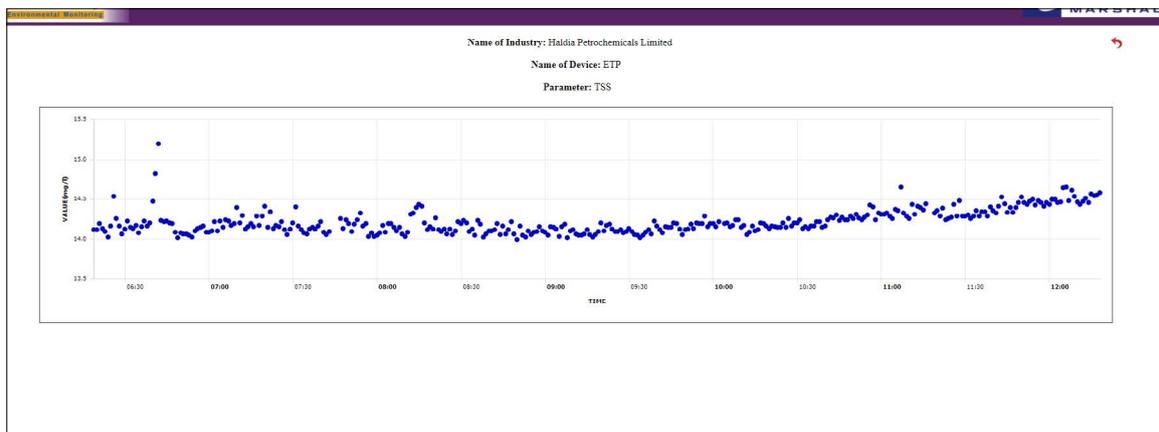


Figure 6: Screenshot of CEMS results (parameter TSS) for Haldia Petrochemicals Ltd. in East Medinipur.

readings, in essence, defeats the purpose of the entire monitoring policy regime.

WBPCB has made a rather weak attempt at compliance with the Supreme Court’s judgement. The mandated information is either entirely missing or inaccessible to public. Further, the Board has conveniently skipped even the mention of several other industries which are supposed to comply with the direction. Therefore, the direction of the Supreme Court is far from being met by WBPCB.

In case of **Karnataka**, the OCEMS portal is password protected and thus data cannot be accessed. Similarly, **Odisha** Pollution Control Board has provided the link for OCEMS on the SPCB website, however, it is password protected.

For **Chandigarh, Maharashtra, Uttar Pradesh, Dadar & Nagar Haveli, Daman & Diu, Manipur, Nagaland, Sikkim, Uttarakhand, Tripura, Assam and Puducherry** state/UTs, no provision has been made for online display of OCEMS results in public domain. They all are in violation of the Supreme Court direction.

B. States that have partially complied

Chhattisgarh

Chhattisgarh Environment Conservation Board has provided the link for OCEMS under the head “Data” on the home page of its website. Instead of giving a direct link to industry pollution data, the board has provided list of industries with unique ID and password for each. This adds another step in accessing the data.

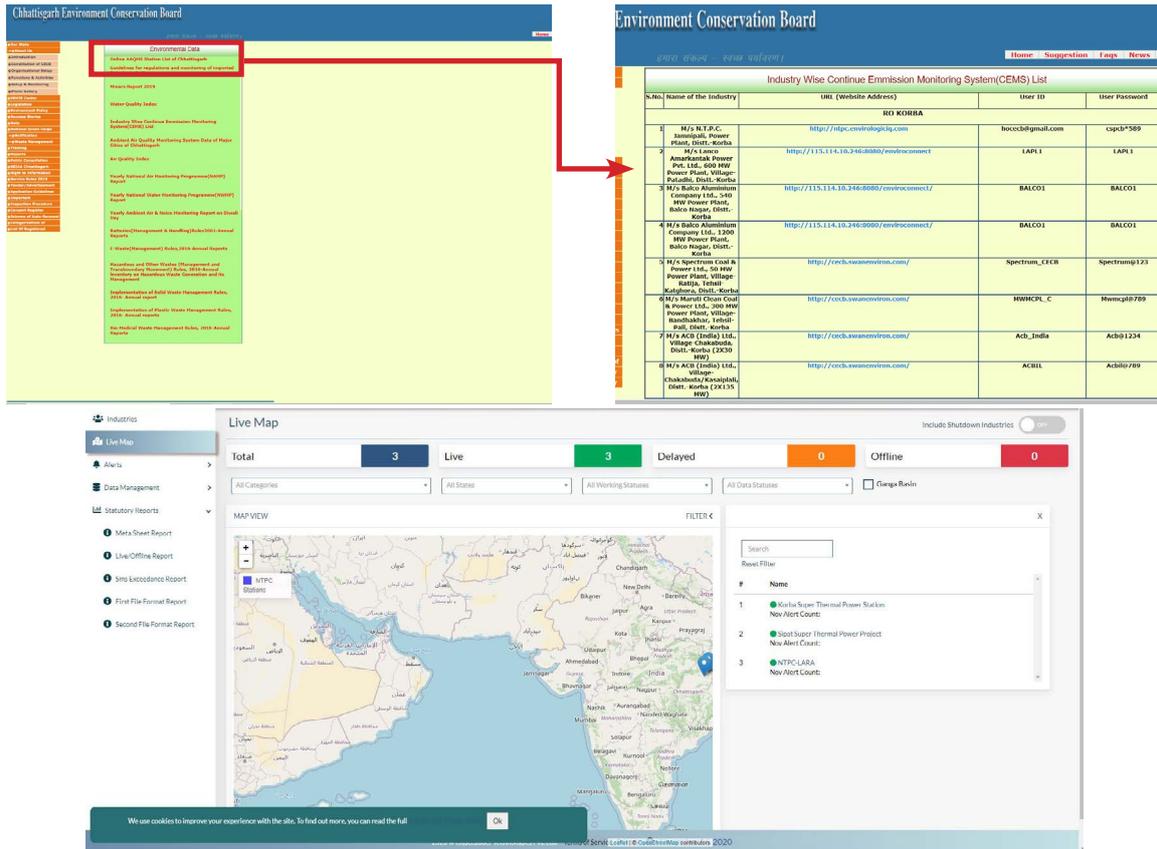


Figure 7: Screenshots from Chhattisgarh Environment Conservation Board website and OCEMS portal.

There is no uniformity in data presentation across industries. For some industries, the data is in a format that is difficult to comprehend. As shown in Figure 7, various statutory reports are present on the website, but without any brief on what they entail, causing confusion. So, while the board has made the information available to public, the manner of its dissemination and lack of overall comprehensibility make it inaccessible, leaving scope for improvement.

Gujarat

The Gujarat Pollution Control Board has provided the OCEMS results under the section “Information” on the home page of its website. From there, it takes multiple steps to finally get the emissions data which adds barrier to public access. The data archive is available for a maximum period of past 30 days. ■

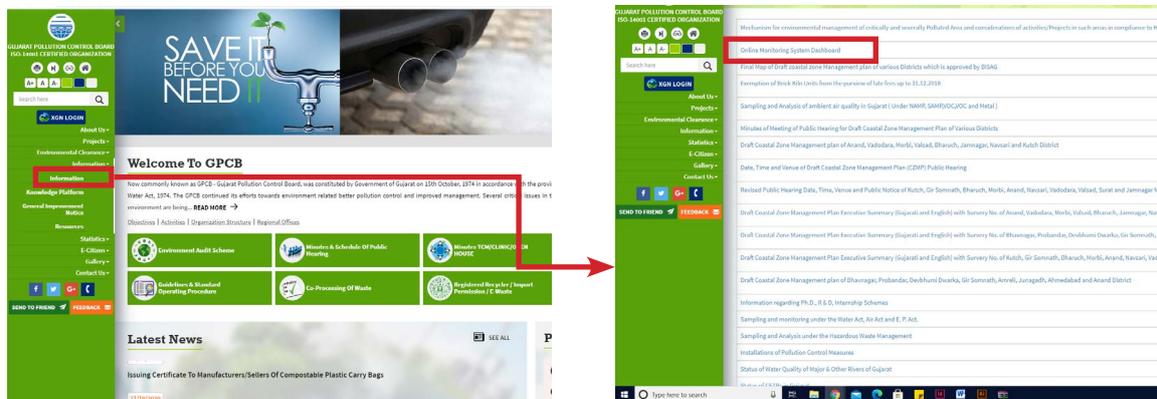


Figure 8: Screenshot of OCEMS portal in public domain by Gujarat Pollution Control Board.

3. States that have complied and need improvement

Andhra Pradesh

The OCEMS data portal is accessible through the Andhra Pradesh Pollution Control Board’s (APPCB) official website. The section “Real Time Pollution Monitoring System” on the home page does not give OCEMS data, in spite of what the name suggests. Instead, the data is given in the section “Environmental Monitoring”.

The presentation of OCEMS data on this portal gives clarity and ease of understanding. However, historical records of data OCEMS are, yet again, not available. Hence, while the conditions for compliance have been met by APPCB, the non-availability of archival data is a big hurdle in data analysis.

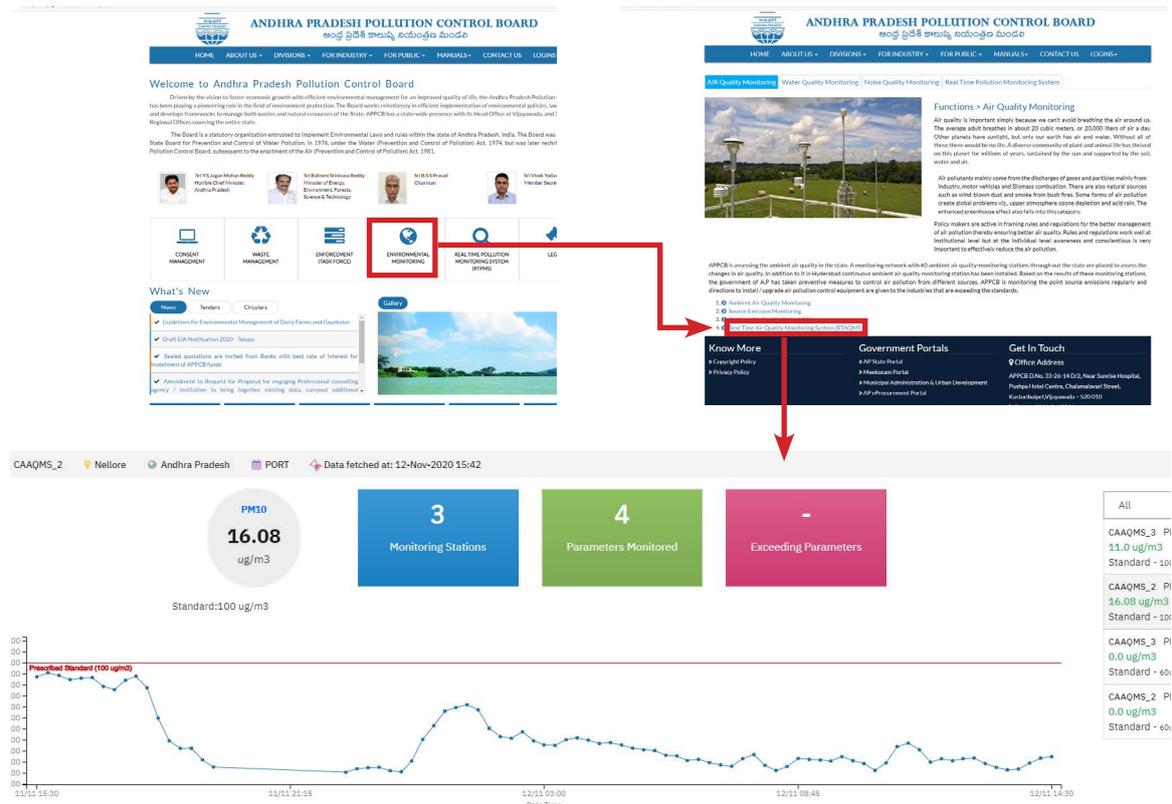


Figure 9: Screenshot of step-wise process for accessing OCEMS data on APPCB portal.

Bihar

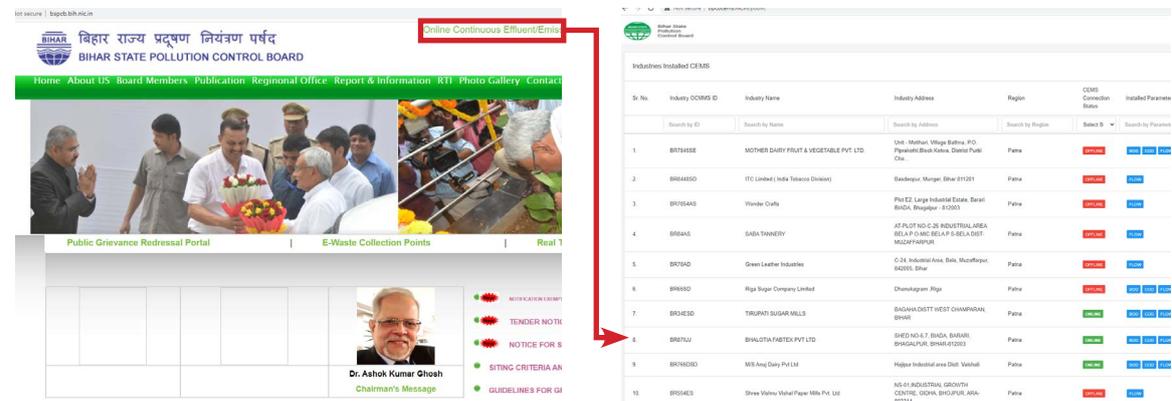


Figure 10: Screenshot of step-wise process for accessing OCEMS data on Bihar portal.

Bihar State Pollution Control Board (BSPCB) has given direct link to publicly accessible OCEMS data on its home page. There are also the options to avail the data industry-wise, region-wise, and parameter-wise. This is an important tool for further data analysis. However, like Andhra Pradesh, the BSPCB does not provide historical data records.

The BSPCB appears compliant with the judgment in terms of online availability of data. However, a closer look shows that the status for more than half of the stations is offline. Non-availability or non-connectivity of the CEMS to the SPCB portal is an indicator of poor monitoring and defeats the purpose of installation of CEMS. The board has provided easy public access, but it should also ensure better connectivity of all the CEMS to its server.

Delhi

Delhi Pollution Control Committee (DPCC) has provided the portal for OCEMS data on the homepage of its website. It is easy to access and understand. However, historical data records are not available for the industries.

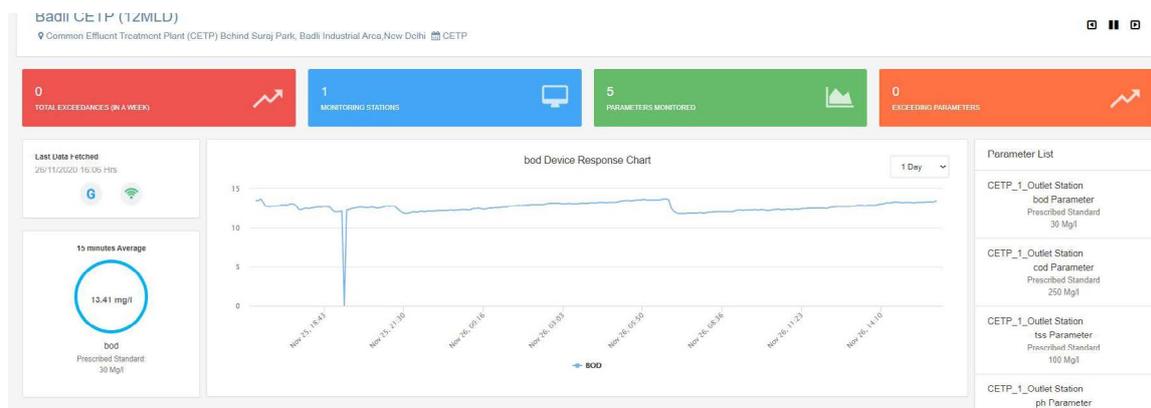


Figure 11: Screenshot of OCEMS data on Delhi PCC website.

Goa

Goa State Pollution Control Board has provided the link for OCEMS on the homepage of its website. From there, the industries can be selected as per industrial sector, for example; distilleries, Iron & Steel, etc. The data is downloadable and historical data records are also available.



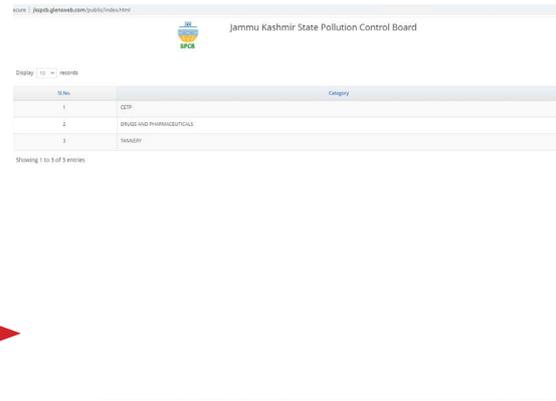
Figure 12: Screenshot of OCEMS data on Goa PCB website.

Jammu and Kashmir

Jammu and Kashmir State Pollution Control Board (J&K PCB) has provided a user-friendly interface for accessibility of online data of 17 categories of industries for public. The customization feature and availability of historical OCEMS readings makes the industrial effluent data highly accessible to public.



Figure 13: Screenshot of the J&K PCB showing OCEMS portal.



Jharkhand

Jharkhand State Pollution Control Board has given the link for OCEMS on the home page of its website. The page is easily accessible and historical data records are available to be downloaded. However, a large number of industries show offline status with no explanation for it.

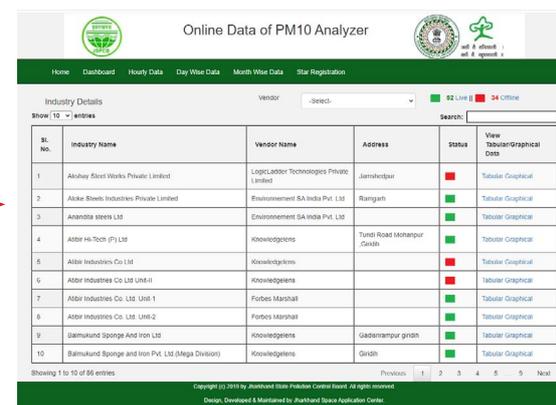
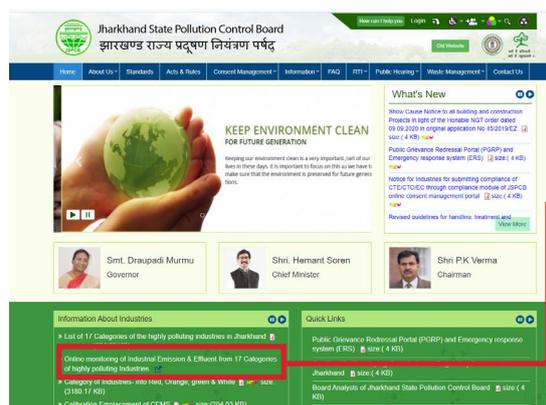


Figure 14: Screenshots from Jharkhand SPCB website and OCEMS portal showing status of online monitoring.

Other States

The **Haryana and Punjab State Pollution Control Boards** have given the link for OCEMS portal on the website homepage. However, only last reported data is available in public domain.

In case of **Madhya Pradesh**, OCEMS is easily accessible on the homepage of the SPCB website, but several of the industries listed are in “inactive” mode.

The pollution control boards of **Himachal Pradesh, Meghalaya, Kerala, and Tamil Nadu** have given the links for OCEMS on the home pages of their respective websites. The links are easily accessible, and historical records available for all the aforementioned states.

For **Telangana**, the OCEMS portal is easily accessible through the home page of PCB’s website. Only a few last recorded emission or effluent levels are available on the portal for each industry.

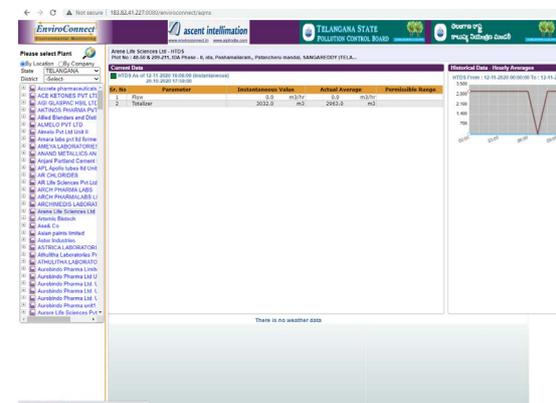


Figure 15: Screenshot from OCEMS portal of Telangana SPCB website showing monitoring results.

Conclusion

It has been three years past the Supreme Court's deadline for compliance with its direction in the Paryavaran Suraksha Samiti judgment dated February 22, 2017 to allow public access of OCEMS data. Still, 50% of the states and UTs have failed to comply with the court direction. The other 50% that have seemingly complied with the judgment fall short in providing ease of access to the OCEMS portal.

It is unfortunate that the issue of public access to OCEMS data is not a priority for the Pollution Control Boards. Despite specific directions from the Supreme Court, most PCBs are reluctant to make information public. One hopes that given the seriousness of the pollution issue, PCBs make OCEMS data public. After all, as the Supreme Court has said, "one sided information, disinformation, misinformation and non-information, all equally create a uniformed citizenry which makes democracy a farce"⁹. Environmental information especially about air and water has direct implication on Right to Life under Article 21 of the Constitution. Denial of such information is thus a violation of Fundamental Rights of the citizens. The PCBs that have not provided the desired information are thus, not only in violation of the Supreme Court judgment, but also are violating the Fundamental Rights of the citizens to clean air and water. ■

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1. The Water (Prevention and Control of Pollution) Act, 1974 defines effluent as "contamination of water or such alteration of the physical, chemical or biological properties of water or such discharge of any sewage or trade effluent or of any other liquid, gaseous or solid substance into water (whether directly or indirectly) as may, or is likely to, create a nuisance or render such water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organisms
 2. The Air (Prevention and Control of Pollution) Act, 1981 defines "emission" means any solid or liquid or gaseous substance coming out of any chimney, duct or flue or any other outlet
 3. Office Memorandum No. B-29016/04/06PCI-1/5401 dated 05.02.2014. Directions Under Section 18(1)(B) Of The Water (Prevention Control Of Pollution) Act, 1974 And The Air (Prevention Et Control Of Pollution) Act, 1981 In The Matter Of Pollution Control In 17 Category Of Highly Polluting Industries , CETPS And Common Hazardous Waste, Biomedical Waste Incinerators regarding Self-Monitoring Of Compliance. (Accessed from <http://environmentclearance.nic.in/writereaddata/online/EC/081120172T8RERQLEDsreply.pdf>)
 4. CPCB List of 17 categories of highly polluting industries and parameters identified for monitoring under each category (<https://cpcb.nic.in/online-monitoring-clarification/>). Links to OCEMS portal for all the States/UTs-
 5. Paryavaran Suraksha Samiti and another Vs. Union of India & others (2017), Writ Petition (Civil) No. 375 of 2012 (Supreme Court of India Judgment dated 22.02.2017)
 6. The web-link for PCC is given on the website for Dept. of Science and Technology, A&N.
 7. Closure Notice was issued to two thermal power plants in West Bengal in year 2017 for non-compliance with CPCB direction for installation of CEMS, namely CESC Ltd. and Dishergarh Power Supply Co. Ltd. (Chinukari Unit) (Accessed on https://cpcb.nic.in/upload/thrust-area/TPP_status2017.pdf on 22nd Oct, 2020)
 8. Haldia Petrochemicals Pvt. Ltd. and Dhunseri Petrochem Ltd. in East Madinapur District
 9. Secy., Ministry of Information and Broadcasting, Govt. of India v. Cricket Assn. of Bengal reported in [(1995) 2 SCC 161]

Reference

CPCB. (2018). *1st Revised Guidelines for Continuous Emission Monitoring Systems*.

CPCB. (2020). *Steps Taken Report*.

Stauffer, N. W. (2019, November). *Tracking emissions in China*. MIT Energy Initiative.

Annexure

Links to OCEMS portal for all the States/UTs-

S. No.	State	CEMS Link	Remarks
1	Andaman & Nicobar	-	-
2	Andhra Pradesh	http://aprtcms.ap.gov.in/dashboard.html	-
3	Arunachal Pradesh	Not required	-
4	Assam	-	Link to the portal given in Steps Taken report by CPCB (Feb, 2020) However, it could not be located on the PCB website as directed in the Judgment.
5	Bihar	http://bpcbcems.nic.in/public	-
6	Chandigarh	-	-
7	Chhattisgarh	https://enviscecb.org/Industry_list_CEMS_Stations.htm	-
8	Dadra & Nagar Haveli	-	-
	Daman & Diu	-	-
9	Delhi	http://dpccceems.nic.in/login	-
10	Goa	https://gspcb.glensserver.com/GSPCB_ONLINE/index.html	-
11	Gujarat	https://gpcb.glensserver.com/dashboard_gpcb.html	-
12	Haryana	http://hspcbceems.nic.in/public	-
13	Himachal Pradesh	https://hppcb.glensserver.com/public/	-
14	Jammu and Kashmir	http://jkspcb.glensweb.com/public/index.html	-
15	Jharkhand	http://jsac.jharkhand.gov.in/pollution/	-
16	Karnataka	http://kspcb.gov.in/online-monitoring.html	Password Protected
17	Kerala	https://keralapcb.glensserver.com/public/	-
18	Lakshadweep	Not required	-
19	Madhya Pradesh	https://esc.mp.gov.in/#/publicPortal/categoryList	-
20	Maharashtra	-	-

21	Manipur		
22	Meghalaya	http://megspcb.glensserver.com/#/publicPortal/categoryList	-
23	Mizoram	Not required	-
24	Nagaland	-	-
25	Odisha	https://ospcb-rtdas.com/#/login	Password Protected
26	Puducherry	-	-
27	Punjab	http://www.ppcb.gov.in/index.aspx	-
28	Rajasthan	http://environment.rajasthan.gov.in/content/environment/en/rajasthan-state-pollution-control-board.html#	-
29	Sikkim		-
30	Tamil Nadu	http://117.232.97.121/Real-Time_tnpcb_cac/index.html	-
31	Telangana	http://183.82.41.227:8080/enviroconnect/aqms	-
32	Tripura	-	-
33	Uttar Pradesh	-	-
34	Uttarakhand	-	-
35	West Bengal	http://www.wbpcb.gov.in/	-



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