

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**M.A. No. 284 of 2015, M.A. No. 755 of 2016, M.A. No. 756 of 2016,
M.A. No.766 of 2016, M.A. No. 847 of 2016, M.A. No. 848 of 2016, M.A. No. 924
of 2016, M.A. No. 892 of 2016, M.A. No. 974 of 2016, M.A. No. 979 of 2016, M.A.
No. 983 of 2016, M.A. No. 984 of 2016, M.A. No. 967 of 2016, M.A. No. 986 of
2016 & M.A. No. 1050 of 2016**

In

Original Application No. 21/2014

And

M.A. No. 156 of 2016

In

Original Application No. 21/2014

And

Original Application No. 21/2014 (Only Notices)

And

Original Application No. 21/2014

**(M.A. NO. 172/2016, M.A. NO. 567/2016, M.A. NO. 690/2016, M.A. NO. 783/2016, M.A.
NO. 949/2016, M.A. NO. 950/2016, M.A. NO. 1037/2016, M.A. NO. 1038/2016, M.A.
NO. 1078/2016, M.A. NO. 1079/2016, M.A. NO. 1080/2016, M.A. NO. 1091/2016, M.A.
NO. 1092/2016, M.A. NO. 1082/2016, M.A. NO. 1083/2016, M.A. NO. 1142/2016, M.A.
NO. 1134/2016, M.A. NO. 1135/2016, M.A. NO. 1136/2016, M.A. NO. 1137/2016, M.A.
NO. 1138/2016, M.A. NO. 1155/2016 & M.A. NO. 1162/2016)**

And

Original Application No. 95/2014

(M.A. No. 1156/2016)

And

Original Application No. 303/2015

And

Original Application No. 181 /2013

(M.A. No. 824/2015)

And

Original Application No. 609 /2016

IN THE MATTER OF :

Vardhaman Kaushik Vs. Union of India & Ors.

And

Vardhaman Kaushik Vs. Union of India & Ors.

And

Vardhaman Kaushik Vs. Union of India & Ors.

And

Vardhaman Kaushik Vs. Union of India & Ors.

And

Sanjay Kulshrestha Vs. Union of India & Ors.

And

Supreme Court Women Lawyers Association Vs. Union of India & Ors.

And

Omesh Saigal Vs. Govt. Of NCT of Delhi & Ors.

And

Diya Kapur & Ors. Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Applicant: Mr. Sanjay Upadhyay and Mr. Salik Shafiq, Advs.
Ms. Diya Kapur, Adv. And Petitioner in Person and Mr.
Nikhil Ratti Kapoor, Advs.
Respondent No. 1: Ms. Panchajanya Batra Singh, Advs. For MoEF & CC**

Mr. Rajiv Bansal, Mr. Kush Sharma, Mr. Anurag Tripathi and Mr. Anirudh, Advs. for DDA
Mr. Pritpal Singh Nijjar, Mr. Amit Kumar and Mr. Siju Thomas, Advs.
Mr. Himanshu Kaushik, Adv.
Mr. D. Rajeshwar Rao, Mr. Charajeet Singh, Advs., Delhi Police and Transport Deptt.
Mr. Rajul Shrivastava, with Ms Ayushi Sharma, Advs. MPPCB
Mr. Anurag Kumar, Adv. For Ms. Sakshi Popli, Adv. NDMC
Mr, Guntur Prabhakar and Mr. Guntur Pramod Kumar, Advs. for State of A.P.
Mr. Raman Yadav, Adv. for Ghaziabad Dev. Authority
Mr. Atul Jha Adv. for State of Chattisgarh
Mr. Devraj Ashok, Adv. for State of Karnataka
Mr. Ardhendumauli Kumar Prasad, Mr. Panshul Chandrachud and Mr. Jaydip Pati, Advs.
Mr. Balendu Shekhar and Mr. Vivek Jaiswal, Advs. for EDMC
Mr. Ram Sajivan Maurya, SMD and Mining Officer and Mr. Ajit Kumar Pandey District Gonda
Mr. Pinky Anand, ASG with Mr. Balendu Shekhar, Mr. Rajesh Ranjan, Ms. Somya Rathore and Ms. Smidha Mehra, Advs. for MoRTH and Ministry of Heavy Industries, MoEF
Mr. Edward Balho, Ms. Elix Gangmel and Mr. K. Luikang Michael, Advs. for State of Nagaland
Mr. Rudreshwar Singh and Mr. Gautam Singh, Advs.
Ms. Puja Kalra, Adv. for NDMC, SDMC
Ms. Bhavana Duhoon, Advs. for National Highways Authority of India
Mr. Sanjeev Ralli with Mr. Trinayan Sonowal, Advs. for Intervener (Chandni Chowk Vyapar Mandal)
Mr. Mahesh Dutt Tripathi, Adv. for Delhi cantonment Board
Mr. Anil Soni, AAG and Mr. Naginder Beniwal, Advs. for State of Punjab
Mr. Ashish Negi, Adv. for Ms. Richa Kapoor, Advs. for State of Punjab
Mr. Suryanarayan Singh, Addl. AAG
Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar, Advs. for GNCTD,
Mr. Narender Pal Singh with Dr. M.P. George and Mr. Dinesh Jindal, LO, DPCC
Ms. Alpana Poddar, Adv. and Mr. Bhupinder Kr. LA., Central Pollution Control Board
Mr. Mukesh Verma, Adv. for MPCB
Mr. Vinay P. Singh, Adv. for Mercedes Benz.
Mr. Amit Agarwal and Ms. Asha Basu, Adv. for West Bengal Pollution Control Board
Ms. Puja Singh, Adv. for Hemantika Wahi, Adv. for State of Gujarat & GSPCB
Mr. Hemant Jain, Ms. Usha Jain and Mr. K. Sunil, and Mr. Aviral Mittal, Advs.
Mr. Sumit Kishore, Adv. for PNGRB
Mr. P. Venkat Reddy and Mr. Prashant Kr. Tyani, Advs. for State of Telengana
Mr. Ravindra Kr. Kashyap and Mr. Gudipti G. Kashyap, Advs. for NOIDA and Greater NOIDA
Mr. Jayesh Gaurav, Adv. for JSPCB
Mr. Gaurav Dubey, Adv. for K2 International
Ms. Priyanka Sinha Advs for State of Jharkhand
Mr. Anuj Sarma, Adv. For State of Goa
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advs.
Mr. Sandeep Narain and Ms. Natasha Sarawat and Ms. Khushboo Bari and Mr. Bipin Das, Advs. for Tata Motors Ltd. M. A. No. 172 of 2016
Mr. Gopal Singh and Ms. Varsha Poddar, Advs.
Mr. Anil Grover AAG and Mr. Rahul Khurana, Adv. Mr. Sandeep Yadav, Adv. for State of Haryana, HSPCB, MCF, MCG, HUDA
Mr. Raj Kumar, Adv.

Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindel, LO, DPCC
 Mr. Priyanaka Swami, Adv. for Nagar Nigam Ghaziabad
 Mr. Sarurabh Rajpal, and Mr. Adhiraj Singh, Adv. for Rajasthan Pollution Control Board with Secretary Environment, Rajasthan Mr. R.K. Grover
 Mr. Taruna A. Prasad, adv. for MoEF
 Mr. R. Rakesh Sharma and Mr. M. Marutha Samy, Adv. for State of Tamil Nadu and TNPCB
 Mr. V.K. Shukla, Adv. from State of M.P.
 Mr. Hemant Jain with Ms. Usha Jain and Mr. K. Sunil and Mr. Amiral Mittal, Adv.
 Mrs. Rani Chhabra and Ms. Priyanka Samy, Adv. In MA 358/2016 and 545/2016
 Mr. Yatendra Sharma and Mr. Satyarat Sharma, adv. in M. A. No. 979/2016
 Ms. Rasna Kaukat, adv. for Manushi Sangathan
 Mr. Anoop Verma, Mr. Anil Soni, AAG with Mr. Naginder Benipal, Adv. in M. A. Nos. 983 & 984
 Ms. Arushi Khandelwal, Adv. in M. A. No. 976/16
 Mr. Ankit Verma, Adv. For State of Uttar Pradesh
 Mr. Sunil K. Jain AOR and Mr. Punya Garg, adv. in M. A. No. 949/16
 Mr. Darpan Wadhwa, and Mr. Arjun Syal, Adv. in M.A. 1078/1097/1080/1091/1092, 1134, 1135, 1136, 1137, 1138/2016, Mr. Yatender Sharma and Satyajeet 979/16
 Ms. Aruna Mathur and Mr. Avneesh Arputham and Ms. Anuradha Arputham, Adv. for State of Sikkim
 Mr. Soumyajit Pani, Adv. for State of Odisha
 Mr. Vijay K. Sondhi and M,s. Cauveri Birbal Ms. Divya Sharma Ms. Avantika, Mr. Aranyak Pathak and Ms. Nayamat Sistani, Adv.
 Mr. Sapam Biswajit Meiti and Mr. Naresh Kumar Gaur, Adv. for State of Manipur
 Mr. Om Prakash, Adv. Ministry of Railways
 Ms. Neha Makhija, Adv. for Mr. Gaurav Dubey, Adv. in MA Nos. 1082 & 1083
 Mr. Pranav A. Kapur, Mr. Siju Thomas and Mr. Amit Kumar, Adv. in MA 783/2016
 Mr. Vinod S. Bhardwaj, Adv.
 Mr. A.R. Takkar, Mr. Ankur Sharma and Ms. Shriya Takkar, Adv.
 Mr. Joydeep Mazumdar and Mr. Debojyoti Bhattacharya, Adv.
 Mr. Nishe Rajen Shonker and Mr. Gajendra Khichi, Adv.
 Mr. Manoj Mittal and Mr. Tahay Ayde, Adv.
 Mr. Pragyan Sharma and Ms. Ananditi Kumar, Adv. For State of Mizoram
 Mr. Sarthak Chaturvedi and Mr. Rohit Pandey, Adv. for Andaman & Nicobar Administration
 Mr. Raman Yadav, Adv. for Ghaziabad Dev. Authority
 Mr. Anand S. Pathak, Mr. Amit Kumar Mishra and Ms. Hima Lawrence, Adv.

| | Date and Remarks | Orders of the Tribunal |
|--|--|--|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>Air quality in Delhi and its surrounding areas touched a new height in the last 10 days or so. It adversely affected the public health and persons of all generations without exception. The Ambient Air Quality was so hazardous that it affected the Eyes, ENT, upper Respiratory track and Lungs, particularly to school going</p> |

| | |
|--|---|
| <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>children, infants, office going persons and obviously the poor strata of society suffered endlessly. It is appropriate at this stage to refer to the Ambient Air Quality parameters that were recorded by the Central Pollution Control Board, Delhi Pollution Control Committee and the State Boards of the neighbouring States particularly Haryana, Uttar Pradesh, Punjab and Rajasthan. The standard norms for PM₁₀ is 100 µg/m³ and for PM_{2.5} 60 µg/m³. These values were found to be utterly violated and it recorded the value of PM₁₀ as 1690 µg/m³ and PM_{2.5} as 885 µg/m³ at Anand Vihar, Delhi. The average value recorded for Delhi for PM₁₀ were 950 µg/m³ and for PM_{2.5} 590 µg/m³ on 30th October, 2016. According to the NCT, Delhi on 31st October, 2016 recorded value of PM₁₀ 1684 µg/m³ and 1331 µg/m³, respectively. In Faridabad, even on 07th November, 2016 the recorded values were 414 µg/m³ and 985 µg/m³ respectively. In Ghaziabad and NOIDA on different dates, the value recorded for PM₁₀ was 720 µg/m³, 820 µg/m³ and 910 µg/m³ respectively. Even on Mandir Marg, New Delhi on 02nd November, 2016 the PM_{2.5} value recorded was 985 µg/m³. In district Alwar, Rajasthan the value recorded was 188 µg/m³ for PM₁₀. However, the Learned Counsel appearing for the State of Rajasthan submits that they do not have instruments available for measuring PM_{2.5}. In Bhiwari on 28th October, 2016 the value of PM₁₀ was recorded as 508 µg/m³. This data provided by different States shows that Ambient Air Quality in all these areas is hazardous to human health.</p> <p>In the light of the above statistics, the Tribunal was compelled to direct personal appearance of the concerned</p> |
|--|---|

| | | |
|--|--|---|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>Secretaries from each State and NCT, Delhi. All these officers appeared before the Tribunal and the matter was heard for three days continuously. One major disclosure that came to the forefront was that all concerned officers conceded that there was hardly any proper enforcement and implementation of the laws in force and the Judgments of the Hon'ble Supreme Court of India and this Tribunal. However, hardly any suggestions came forward from any quarters as to how the implementation should be made more effective and result oriented.</p> <p>There are seven major contributors of air pollution in all these States more particularly NCT, Delhi. These are:-</p> <ol style="list-style-type: none">1. Construction activity and carriage of construction material.2. Burning of Municipal Solid Waste and other waste.3. Burning of agriculture residue.4. Vehicular Pollution.5. Dust on the roads.6. Industrial and power house emission including fly-ash.7. Emissions from Hot-Mix Plants and Stone Crushers. <p>All these contributory pollutants were deliberated upon at length before this Tribunal from time to time and detailed orders covering all the facets of air pollution were covered under different orders of the Tribunal. We may refer to the orders of the Tribunal dated 26th November, 2014, 04th December, 2014, 07th April, 2015, 10th April,</p> |
|--|--|---|

| | | |
|--|--|---|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>2015, 28th April, 2015, 18th May, 2015 and 11th December, 2015. All these orders/judgments dealt with the various sources of pollution except agriculture residue burning. This aspect was dealt with in the comprehensive judgment of the Tribunal in the case of Vikrant Kumar Tongad Vs. Environment Pollution (Prevention and Control) Authority & Ors in Execution Application No. 12 of 2016 In Original Application No. 118 of 2013 decided on 10th December, 2015. The judgment in the case of Vikrant Kumar Tongad Vs. Environment Pollution (Prevention and Control) Authority & Ors provided for precautionary, preventive as well as incentive oriented steps that the State of Punjab was required to take to ensure that this menace would be stopped at the earliest. The judgement provided for punitive action, and incentive to farmers to stop burning of Crop/Agriculture residue. The State of Punjab was called upon to provide incentive including the requisite machines as stated in the Judgment for extraction of agriculture residue from the field and its transportation to power generation plants, Cement Plants, Companies manufacturing Board from agriculture residue and from Bio-mass plants including reducing ethanol.</p> <p>We must notice at this stage itself that all the States particularly the State of Punjab has not been able to implement the Judgment in its true spirit and substance. It is conceded before us that the residue of nearly 70% of the agricultural land under paddy cultivation was put on fire during the period immediately after the harvesting. Similarly in Haryana there was burning of agricultural residue but may be at a little lower scale. This committee shall work specifically under the orders of the Tribunal.</p> |
|--|--|---|

| | | |
|--|--|--|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>The State of Uttar Pradesh and State of Rajasthan were no exception, though their contribution to the pollution was not greater than other States. This aspect needs to be examined and rigorous steps need to be taken by the respective States to ensure that there is no agriculture/crop burning any more in the future. We would be passing directions in that behalf separately.</p> <p>We may also notice here that the World Health Organisation (for short 'WHO') has published its report in September, 2016. They have published a list of 20 most polluted cities in the world. Out of these 10 cities are located in India. These are Delhi, heading the table, Gwalior, Patna, Kanpur, Allahabad, Alwar, Firozabad, Raipur, Ludhiana and Khanna. A study has also been conducted by I.I.T., Kanpur, on behalf of NCT, Delhi, and it is stated that out of the sources of pollution which we have already mentioned, above 22.70% has been contributed by the transport sector. It is estimated that 66 % of this pollution is resulting from diesel trucks, buses and diesel vehicles. The study also shows, along with other studies, that level of PM_{2.5} and PM₁₀ is almost 17 times of the prescribed limits and has serious adverse impact on the public health. The Ministry of Environment, Forest and Climate Change has also brought out the air quality index and it has termed 431 µg/m³ PM₁₀ as 'severe pollution' as stated by the Learned ASG. This shows that the 'severe category' carved out by Ministry of Environment, Forest and Climate Change has been left much behind as the value of PM₁₀ has touched the value of 1990 µg/m³ in Delhi. This is the extent and kind of pollution that the citizens of Delhi are exposed to.</p> |
|--|--|--|

| | | |
|--|--|--|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>The basic and fundamental question that arises for consideration of this Tribunal is whether the State Government and more particularly NCT, Delhi can provide any justification acceptable scientifically in law as to why the people of Delhi should be exposed to such severe pollution and have endlessly suffered from one disease or the other. This equally applies to other States as well. The Hon'ble Supreme Court of India decades back had declared that Article 21 of Constitution of India has to be expanded so as to include right to decent and clean environment as a fundamental right. Fundamental right is the right provided by the Constitution to the citizens and it could claim its enforcement to which the State can hardly raise a defense particularly of its inability to enforce laws on an environmental front. We must say that since past three days not even a single point has been raised before the Tribunal which could even be remotely comprehended and be a reasonable ground on the part of these authorities for not protecting environment in relation to this zone of the country and particularly in NCT, Delhi. The main plank of the officers who were present in person along with their learned counsel of respective States had only expressed their inability to implement. This ought to be the last submission that could be made in response to an action for enforcement of fundamental rights. We find no merit in any of the submissions advanced to express inability to enforce the law. The judgment of the Hon'ble Supreme Court of India and the Tribunal particularly when they are specific, unambiguous and have provided complete mechanism for enforcement of judgments and orders. The State owes a</p> |
|--|--|--|

| | | |
|--|--|--|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>constitutional duty to protect public health and to provide at least clean air for its citizens to breathe. The principle of inter-generational equity does not support any development even if it is carried under the doctrine of sustainable development where the next generation would be exposed to the worst environmental and ecological environment. The children of today have a right to breathe clean air and play in the play ground rather than be ordered to be shut down in their respective homes. The present generation in any field including in the field of Governance owes a duty in law and on morality to provide cleaner and better earth to its next generation. Times have come where all concerned authorities irrespective of their stature must show concern to improve the environment and Ambient Air Quality in these States and more particularly in the NCT, Delhi.</p> <p>As we have already noticed, the Ambient Air Quality in these States and particularly in NCT, Delhi/NCR, Delhi have reached the limit which are unimaginable, unacceptable and are a clear indication of negligence on the part of the concerned authority to the disadvantage of the human health of the citizens. The prescribed limit of PM₁₀ and PM_{2.5} is 100 µg/m³ and 60 µg/m³ respectively have been grossly exceeded. The experts appearing before us submit that the daily average of these values is even lower that is 60 µg/m³ and 40 µg/m³ respectively. If the daily average is to be taken into consideration then the violation is nearly 20 times in excess.</p> <p>Viewed from any rational angle, this is disastrous. It may be appropriate that the concerned authorities including the Central Pollution Control Board has located</p> |
|--|--|--|

| | | |
|--|--|---|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>at the air pollution in somewhat different way. It appears that to attain the prescribed standards as of now would be a dream difficult to achieve as of today. The normal pollution in contra distinction to severe or Environmental Emergency has to be examined and controlled by taking different and distinct measures, depending upon the situation e.g. where the Particulate Matters values are in excess of $431 \mu\text{g}/\text{m}^3$ in case of PM_{10} and $251 \mu\text{g}/\text{m}^3$ in the case of $\text{PM}_{2.5}$. Therefore, the pollution has to be treated as severe. To put it in other words, emergent measures have to be taken to control the air pollution in any of these States particularly in NCT, Delhi, once it crosses the above limits. These limits have been suggested by the expert appearing before the Tribunal with reference to the Air Quality Index of NCT, Delhi. Normal steps to be taken to prevent and control air pollution and providing cleaner air quality to the people of these States and Delhi. Even if they are below the above standards, but once they cross the prescribed standards, then it must be the duty of the States and NCT, Delhi to take emergent measures which would even include the providing of such emergent preventive measures that may require enforceability of highest degree in the interest of public health and environment.</p> <p>In the light of the above discussion, now we proceed to record the directions that has to be passed in the interest of environment, public health and tranquility of Ambient Air Quality and to implement the fundamental right that is granted to the citizens of India. All the judgments and orders passed by the Tribunal dated 26th November, 2014, 04th December, 2014, 07th April, 2015,</p> |
|--|--|---|

| | | |
|--|--|--|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>10th April, 2015, 18th May, 2015, 28th April, 2015 and 11th December, 2015 in the of Vardhaman Kaushik Vs. Union of India & Ors. In Original Application No. 21/2014 and 10th December, 2015 in the case of Vikrant Kumar Tongad Vs. Environment Pollution (Prevention Control) Authority & Ors. shall be applicable, mutatis mutandis, to the orders passed in the case of respective States and NCT, Delhi. All the States of Punjab, Haryana, Uttar Pradesh, Rajasthan and NCT, Delhi as already noticed, these directions and orders provided for all preventive, precautionary, punitive and enforceable directions which would protect and ensure that the sources of pollution as afore-indicated do not cause air pollution and bring the Ambient Air Quality to the values as has been seen in the last 10 days in the States and particularly NCT, Delhi.</p> <p>All the concerned Officers, Authorities, Legal Authorities, Pollution Control Boards and other Corporations etc. would be responsible for proper implementation and enforcement of the directions contained in these orders in relation to different sources of pollution.</p> <p>We constitute the following centralized monitoring Committee and State Monitoring Committee for ensuring proper implementation of the judgments and the laws relating to prevention and control of air pollution :-</p> <ol style="list-style-type: none"> 1. The Centralised Monitoring Committee shall consist of:- <ol style="list-style-type: none"> a. Secretary, Ministry of Environment, Forest and Climate Change (Chairman). b. Chief Secretaries of the States of Punjab, |
|--|--|--|

| | | |
|--|--|---|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>Haryana, Uttar Pradesh, Rajasthan and NCT, Delhi.</p> <p>c. Member Secretary of the Central Pollution Control Board and the Member Secretaries of the State Pollution Control Boards.</p> <p>d. Professor Mukesh Khare from I.I.T., Delhi.</p> <p>e. Member Secretary of each State Pollution Boards would be at liberty to bring one expert with him, if they so desire.</p> <p>f. Additional Director General of Health Services to be nominated by the Union Secretary, Health.</p> <p>This committee would meet once in two months and by rotation in all the States including NCT, Delhi, where the first meeting would be held.</p> <p>a. This Committee would supervise implementation of all the directions contained in the judgment of the Tribunal in relation to various sources of pollution, particularly agriculture residue burning.</p> <p>b. It shall also provide guidelines or directions to the State Committee for prevention and control of air pollution in relation to all its aspects, not limiting to the directions contained hereinabove and in the orders referred above.</p> <p>c. The Committee shall take implementation Status Report from the State Committees, and if necessary, get it verified through</p> |
|--|--|---|

**Item No.
01 to 08**

**November
10, 2016**

SS, AK & JG

independent sources and then submit its final report after every three months to the Tribunal. The Committee will also record its satisfaction or otherwise with regard to implementation and enforcement of the directions issued.

d. In the event the Committee finds that any officer belonging to any cadre, authority, Pollution Control Board or even by independent statutory body has failed to implement the directions, orders, judgments and the law in relation to control of air pollution, it shall recommend initiation of disciplinary proceedings against that official without hesitation or reservation.

We make it clear that the officer against whom such a Committee recommends disciplinary, should be independent of the proceeding that this Tribunal may initiate against such defaulting officials/officer of any State/NCT, Delhi.

If technical experts of the Committee make any suggestion and the same is found relevant, then the committee shall record and bring it to the notice of the Tribunal.

State Level Committee.

Following shall be the composition of State Level Committees:

1. Chief Secretary as the Chairperson,

| | | |
|--|--|--|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <ol style="list-style-type: none"> 2. Secretary Environment, 3. Secretary Urban Development and Housing, 4. Member Secretary of the Pollution Control Board of the States, 5. Chairman of the Development Authority of the District/State, 6. Secretary of the Department responsible for Developing Agency and Corporations of the State, 7. Director of Medical Services who is a professional shall be the Member of the Committee, <p>Commissioner/Additional DG of Delhi Police of NCT of Delhi and similar officers from the other States.</p> <p>This Committee shall be responsible for enforcement of the directions/orders/judgments and the law in relation to prevention and control of air pollution more particularly judgment afore-referred.</p> <p>It will be the duty of this Committee to verify that the directions are actually implemented at the ground level and would not leave the things on mere paper.</p> <p>This Committee shall prepare action plan in consonance with the advance circular the same and ensure their implementation.</p> <p>The Committee shall also publicise requisite matter through media or otherwise, particularly in relation to burning of agriculture residue. It will inform the farmers of the benefits and the incentives that are available to them in consonance with the orders afore-referred for not burning of agriculture residue. It should be informed to them that it is not a mere liability but could become useable asset and bring</p> |
|--|--|--|

| | | |
|--|--|--|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>financial benefit to them.</p> <p>We also direct that the concerned State/NCT, Delhi and the State Committees shall constitute a special task force to ensure that there is no burning of waste of any kind, roads are mechanically cleaned and there is no undue traffic congestion in the city particularly during the period of environmental emergency.</p> <p>The Chairman of the Centralised as well as State Committee shall be at liberty to invite or summon any Officer/Expert/ Official from any other department or Ministry or Research Organisation for carrying on the business and object of the Committee more effectively. If invited no officer/Expert of any department or Ministry or Research Organisation would avoid to appear before the Committee and provide its required input.</p> <p>The state level committee shall hold its meeting every month. The First meeting of the centralised Committee Led by Secretary Environment would be held on 17th November, 2016 while that of the State Level Committees would be held on 24th November, 2016.</p> <p>The State level committee shall submit the report to the centralised committee at least three days in advance to the date of the meeting of that committee.</p> <p><u>Independent Clause</u></p> <p>The most important aspect in relation to which we require to issue directions is the situation of the States</p> |
|--|--|--|

| | | |
|--|--|---|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>and particularly NCT of Delhi as faced in the last 10 days where the air pollution enters an alarming situation that is severe pollution. Then immediate steps are required to be taken as an ‘environmental emergency’.</p> <p>We have already noticed on the advice of experts that where P.M₁₀ exceeds the value of 431µ/M³ and P.M_{2.5} 251 Microgram Per Cubic Meter, then it is a situation of ‘severe pollution’. If we exceed those of values reached 500 or 300 respectively then it is a case of ‘environmental emergency’.</p> <p>The State owes a Constitutional Statutory and public law obligation to protect the Air Pollution and provide to its citizen at least breathable air if not absolute clean air to breathe. If the situation reaches that level of these States and particularly NCT of Delhi shall take besides all other preventive and controlling measures of pollution as indicated in the orders/judgments and law particularly orders afore-referred inter-alia but more particularly it would take following measures without delay and default.</p> <ol style="list-style-type: none"> 1. It shall ensure that the water is sprinkled through helicopters all over the city and other areas where the values are found to be in excess of the above standards. 2. It shall immediately provide happy seeders in the agricultural fields to ensure removal of agricultural residue and its utilization at the concerned quarters including Power Generation Plants, Bio-Mass Plants, and Cement plants, Industries manufacturing Building and allied products. 3. The State Government and NCT of Delhi shall issue |
|--|--|---|

| | | |
|--|--|---|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>the order to all such companies, plants and public undertakings to discharge their Corporate Social responsibility and collect the agriculture residue from the field of farmers while providing them with money as consideration for lifting of the agricultural residue.</p> <p>4. All the stone crusher working in the area shall be directed to shutdown forthwith.</p> <p>5. All the Power Generation Plants, Brick kiln, Hot Mix Plant, if found to be emitting in excess of prescribed standards, should be ordered to be shut down temporarily and till they take remedial measures and bring the standards within particular limit. Thermal plants, Waste to Energy Plants also may be shut down only if they violate the parameters or otherwise.</p> <p>6. All the construction, demolition activities and transportation of construction material shall be stopped temporarily till the ambient air quality standards are brought down below the severe pollution standards afore-stated.</p> <p>7. The authority would ensure that the DG sets if in operation anywhere should be adhering to the prescribed norms. In the event of default they should be not only shut down but even confiscated.</p> <p><u>General Directions.</u></p> <p>1. The committee afore-referred shall prepare a complete action plan for environmental emergency as well as prevention and control of air pollution, wherever parameters are found to</p> |
|--|--|---|

| | | |
|--|--|---|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>be in excess of prescribed standards.</p> <ol style="list-style-type: none"> 2. This action plan should be strictly in consonance with the judgement and orders afore-referred. Of course the Committees are at liberty to provide any additional measures that are required to be taken. 3. The action plan so prepared shall be submitted to the Central Committee which will approve the same and fix the period for its implementation in regular course of business of the concerned authority, Corporations, etc. 4. Each of the states shall in its very first meeting notify one district which has major land use as agriculture. This district could be taken as a model district for implementation of the direction and orders in relation to complete stoppage of burning of agriculture/crop residue. The Committee will ensure that all the incentive in terms of the judgement are provided with utmost priority. 5. There should be all preventive, precautionary and effective steps taken well in advance to the next harvest season. 6. It shall then submit a specific report upon field inspection whether there has been complete extinguishment of the practice of crop burning in that area or not, and the reasons thereof. Then it shall implement the scheme in rest of the States in a gradual manner. 7. All the States Governments, Public Authorities and Development Agencies shall introduce |
|--|--|---|

| | | |
|--|--|---|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>vacuum cleaning machines for removal of dust and waste from the roads in a gradual manner. Cleaning of dust manually should be stopped. Mechanical cleaning of the roads should be introduced. Manual cleaning of dust only helps in re-generation of pollution and does not effectively cause cleaning of roads or air either.</p> <p>8. Police Authorities and the local bodies should ensure that wherever mechanised cleaning of dust is introduced, at the relevant time the vehicles ought not to be parked on either side of the roads.</p> <p>9. It should be ensured that there should be no leaves, municipal solid waste, plastic, agriculture residue, oil and oil products are burnt in open or otherwise. Strict punitive action should be taken in accordance with the orders of the Tribunal, if any person is found to be violating these directions and orders passed by the Tribunal.</p> <p>10. 50% of the staff of the Corporations, Committees, Development Agencies and the concerned department of the Government should be on field inspection to ensure proper and effective implementation of the directions. The staff on field duty shall submit a report to the Officer in-charge, who would then submit a report to the State Committee, bring to its notice whether the implementation and effectiveness of the orders and directions by the said authorities was satisfactory or not.</p> |
|--|--|---|

| | | |
|--|--|---|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>11. The Traffic Police, PWD and all public authorities shall ensure that there is free flow of traffic and there are no undue jams on the traffic lights or otherwise.</p> <p>12. The person who violates the directions of the Tribunal in regard to vehicular pollution should be strictly made liable in terms of the judgement of the Tribunal for payment of environmental compensation. This compensation could be recovered by the concerned department and representative of the authorities including the Police.</p> <p>13. We have already noticed in our judgement that on the basis of the data available, nearly three lakhs litres of petrol is burnt in NCT of Delhi everyday by stationery vehicles in the traffic jam or the traffic light. The Committee shall consider this aspect with utmost priority and submit its suggestion to the Tribunal for orders.</p> <p>14. We direct all the State Governments, NCT of Delhi also to issue guidelines with regard to manufacturing, sale and burning of crackers in the jurisdiction of the respective States/NCT of Delhi. Such direction must be taken into consideration that the crackers if permitted are of the nature which would generate least smoke and produce least noise. It should be within the prescribed parameters.</p> <p>15. All authorities concerned should create social awareness particularly in schools and colleges</p> |
|--|--|---|

| | | |
|--|--|--|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>as to the dis-advantage and adverse impact on public health of indiscriminate burning of crackers on different festive seasons.</p> <p>16. We also direct the State Governments and NCT of Delhi particularly the State of Punjab to consider withdrawal of incentive provided to the agriculturists who are found to be defaulting and burning agriculture/crop residue. We take note of the fact that the Government of Punjab has already issued Notification dated 22nd October, 2013, wherein burning of agriculture/crop residue has been prohibited.</p> <p>17. The order of the Tribunal in relation to all diesel vehicles more than 10 years of age and petrol vehicles which are more than 15 years of age shall not ply on the roads of NCT of Delhi, shall be enforced rigorously. The other States are directed to take decision, in relation particularly to diesel vehicles which are of more than 10 years of age.</p> <p>18. We direct NCT of Delhi, DDA, all Corporations and PWD to ensure that all its parks, flyovers, roads around the government building, there is greenery and study has been conducted and found that if greenery is spread over all the flyovers and roads of NCT of Delhi, it will help in increasing of oxygen by 20%. It will help a large number of people to breathe fresh air. Efforts should be made to cover open land with green grass.</p> |
|--|--|--|

| | | |
|--|--|--|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>19. All the concerned authorities shall ensure that the waste dumping sites are not put on fire, under any circumstances.</p> <p>20. We grant liberty to all the government departments, PWD etc to bring before the Tribunal offenders or defaulting persons with complete details. If such list is filed, the Tribunal shall issue notice to them for payment of environmental compensation and for passing of such other punitive orders as may be necessary in the facts and circumstances of the case.</p> <p>21. The Committee would also recommend the steps that various authorities are required to take for providing health care and immediate treatment to the public who suffer from effects of air pollution.</p> <p>22. All the amounts collected under the orders of the Tribunal for environmental compensation should be utilized only for the purpose of prevention and control of air and water pollution in NCT of Delhi and the concerned States subject to the orders of the Tribunal.</p> <p>The copy of this order be furnished by dasti.</p> <p>List the matter for further directions on 9th January, 2017.</p> <p>List all the miscellaneous applications of 16th November, 2016 at 3 PM.</p> <p>.....,CP (Swatanter Kumar)</p> |
|--|--|--|

| | | |
|--|--|--|
| | <p>Item No. 01 to 08</p> <p>November 10, 2016</p> <p>SS, AK & JG</p> | <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Ranjan Chatterjee)</p> |
|--|--|--|

