

AIR LAW & POLICY

Reporter

Judgment Alert !

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The National Green Tribunal directs for urgent action on air pollution in National Capital Region: Stone crushers, Construction activities, crop residue burning and brick kiln prohibited for a week.

The National Green Tribunal case *Vardhaman Kaushik Vs. Union of India & Ors*, O.A No. 21/2014 with the bench comprising of Justice Swatanter Kumar, Justice Raghuvendra S. Rathore and Mr. Bikram Singh Sajwan, took a strong view of the inaction on the part of the government of Punjab, Haryana, Rajasthan, Uttar Pradesh and Delhi in complying with the directions passed by the tribunal in the last year. The Secretaries dealing with environment in the above states were personally present after being summoned by the tribunal. The Tribunal had yesterday warned that in case the secretaries were not personally present, the Tribunal will be constrained to attach properties and direct civil imprisonment.

Before passing its directions, the Tribunal had asked the respective Secretaries whether they have read the judgements of the Tribunal with respect to the control of air pollution including the burning of crop residue in various states. The

Secretaries admitted that they had not read the judgements.

The Tribunal further asked the states as to what actions they have initiated to punish violators and ensure that technologies that reduce stubble burning were introduced. The Tribunal expressed shock that no state had taken any concrete measure to deal with the issue of air pollution.

In the oral questions put to the five states, the Tribunal questioned the Delhi government's irrational direction to shut down schools and whether this direction was based on any study related to the differential impact of indoor pollution and outdoor pollution. The Tribunal also questioned the use of cranes to sprinkle water as methods of controlling and curbing air pollution stating that the government could have instead considered more effective methods such as using helicopters for sprinkling water.

The Tribunal enquired with respect to the steps were taken by the States to comply with the NGT order with respect to the control of air pollution caused through:

- a) Vehicles
- b) Construction
- c) Burning of waste

The states were directed to put in place a complete mechanism that will provide with preventive, precautionary and pre-emptive measures of dealing with air pollution. The Tribunal stated that the 5 states shall also figure out a manner through which they will ensure coordination and corporation amongst themselves to ensure proper implementation of the directions of the Tribunal and adherence to the Indian Air Quality Standards.

The tribunal, in this regard, passed the following orders:

A. The following activities are prohibited for a period of one week in the NCR region:

- a) Stone crushers
- b) Crop residue burning (other measures of using crop residue must be considered and implemented)
- c) Brick Klin
- d) Construction activity

B. Further, the Tribunal directed that the Municipal Corporation officers of NCT Delhi as well as

DDA and the respective corporations shall ensure that 50% of their staff is sent for inspection to ensure that no municipal waste is burnt, no pollution is caused by construction activity and that the implementation of the judgement is ensured. The Tribunal further directed that 50% of the staff (of the above) shall submit report of compliance to their senior officers which shall then be submitted before this tribunal.

C. The Tribunal directed CPCB to jointly prepare Ambient Air Quality data currently and one week in future with the PCBs of the rest of the States and file a report regarding the same. The report shall also state the apparent cause of pollution.

D. The Tribunal also called for a proposal to be submitted in relation to the mechanised methods of controlling dust causing air pollution.

The case is listed for further directions of the bench tomorrow i.e 9-11-2016.

