

# AIR LAW & POLICY

## Reporter

### Judgment Alert !

November 09, 2016

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#### Discussions

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, in continuance of its directions yesterday (08.11.2016), took this day to invite suggestions from the 5 respondent states of Punjab, Haryana, Rajasthan, Uttar Pradesh and Delhi.

The tribunal commenced the case by asking the states to provide the tribunal with the status of implementation of the tribunal's orders passed yesterday. While the state claimed that actions had been taking on the matters pointed out by the tribunal and meetings for the purpose of implementation of the directions had been held, the tribunal was disappointed to find out that no major action had been taken by the states.

The court further questioned the state with respect to:

1. Initiation of any study with respect to the differential impact of indoor pollution versus outdoor pollution.

2. Study on the level of acceptability of Happy Seeders amongst farmers.
3. Data collected to study the air quality in Delhi in the past weeks.

The state answered in negative to the above questions put to them.

With the above-mentioned discussions, the tribunal invited suggestions from all the states. The states suggested as under:

#### Delhi:

- Use of vacuum machines that would suck in all the dust particles and pollutants;
- PWD sites proposed for parking vehicles;
- Specialised machined to clean roads;
- Installation of water fountains to absorb pollutants

#### Haryana:

- A detailed study to check the quality of air to understand the possible reasons for the same.

Punjab:

- Incentive to farmers for not burning crop residue
- Charging additional CSR and using the same for research and development and scientific solutions to air pollution.
- The court suggested that alternative use of crop stubble must be considered including for:
  - Manufacturing cement
  - Biomass
  - Fuel for power generation
  - Manure

Uttar Pradesh:

- The state was of the view that only proper implementation of law can ensure that the issue of air pollution is tackled.

**The court directed that a committee comprising of all the Chief Secretaries of the states will be formed which shall hold meetings once every two months. This committee will observe planning, action plans, implementation of directions and all issues relating to air pollution.**

**The committee shall comprise of Central Public Works Department, Pollution Control Boards and the Chairman of the Board.**

**All meetings shall be held by circulation.**

**Further, Delhi Pollution Control Committee, Secretary of Environment Department, Secretary of Urban Development Department, State Pollution Control Boards shall submit implementation and enforcement report to the committee.**

**In case of non-compliance and failure on the part of any state, the Chief Secretary shall instigate disciplinary action against the officer of that state.**

**The final order of the bench will be issued tomorrow (10.11.2016) morning at 10:30 am.**

