

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

OA No.639/2018

In the matter of:

Shailesh Singh

Applicant

Versus

State of Haryana & Ors.

Respondents

**Report on behalf of State of Haryana through Keshni Anand Arora,
Chief Secretary, Government of Haryana in compliance of Order
dated 08.03.2019 and 30.07.2019**

Most Respectfully Showeth:-

1. That in the above subjected matter, this Hon'ble Tribunal has passed the order dated 08.03.2019 having certain observations in regard to inspection policy of the Haryana State Pollution Control Board. The relevant portion of the order is reproduced below for ready reference:

"3. ... x.....

Inspection policy of the HSPCB is reported to be as follows:-

<i>Sr. No.</i>	<i>Category of the Industries/projects</i>	<i>Periodicity</i>
<i>a.</i>	<i>17 type highly polluting Industries defined by CPCB (among Red Category)</i>	<i>3 years</i>
<i>b.</i>	<i>Red Category of Industries other than those mentioned at Sr. No. a. above</i>	<i>5 years</i>
<i>c.</i>	<i>Orange Category of Industries</i>	<i>7 years</i>

4. *The above policy hardly matches the mandate of Precautionary and Sustainable Development principles of environment law. Further,*



auto renewal policy results in pollution remaining unchecked. The above policy must be revised forthwith by the HSPCB in consultation with CPCB preferably within one month if regulatory regime by way of State PCB has to be meaningful. Constitution of State PCB without effective functioning amounts to failure of law enacted for protection of environment. In this connection, reference may be made to the order of this Tribunal dated 11.01.2019 in O.A. No. 95/2018, Aryavart Foundation Vs. Vapi Green Enviro Ltd. and order dated 16.01.2019 in O.A. No. 606/2018. Let the Chief Secretary, Haryana look into the matter and take remedial steps within one month and give a report to this Tribunal.”

2. That in compliance of said order passed by this Hon'ble Tribunal, the frequency of inspections and 'Haryana Auto Renewal Policy' in question has been considered in the light of the observations made by this Hon'ble Tribunal and was discussed with the Central Pollution Control Board. A meeting was also held in the presence of Chairman, CPCB and officials of the HSPCB on 25.07.2019. After consultation with the CPCB, HSPCB, Dept. of Environment & Climate Change, office of Chief Secretary, Govt. of Haryana and Dept. of Industries & Commerce Dept., to create a balanced industrial eco-system in the State, the HSPCB has been advised to make following corrective measures:

A. Increase in frequency of inspections: – The State has proposed to increase the periodicity of compliance inspections in line with the discussion held with office of Chief Secretary, Government of Haryana.



Periodicity/frequency of Inspection					
	Highly polluting 17 category and red category of units	Red category other the 17 category	Orange category	Green Category	CBWTF/ CHWSRDF/ CMSWTDF/ CETP/STP
Existing policy	3 years	5 years	7 years	7 years	Once in three months
Provisions suggested in the CS meeting held on 25.05.2019	1 year	1 year	2 years	3 years	Once in three months

It is worthwhile to mention here that inspection policy does not bar the inspection of the units, as per directions/orders issued by various Courts/Tribunals/Appellate Authority/CPCB, in addition to above stated frequency of inspection. Further, the inspection policy fully empowers the inspectors / authority to conduct surprise / complaint-based inspections at any point of time with prior permission of Head of the Department.

B. Apart from above proposal, "Installation of Online monitoring devices to capture Real time data" is being adopted by the State as 'Environmental Safeguard'.

All 17 category highly polluting industries, common treatment facilities and all large and medium scale water polluting units in Yamuna Catchment area and all air polluting industries of Red Category in NCR have been directed to install online monitoring devices and to connect them to the server of CPCB and HSPCB to monitor real time data. Currently, online monitoring systems have been installed in 770 units so far to have real time monitoring data and displaying on cloud server of HSPCB and CPCB.



C. Amendment in Auto renewal Policy (Consent to Operate): In case of Auto renewal of Consent to Operate - CTO, instead of instant issuance of approval certificate, the **pre-verification of documents** has been introduced and this process shall be completed by the department within 5 working days of application.

It will not be out of place to mention here that CTO - Auto renewal policy' is operational in about other 19 States of India, list of which is attached as Annexure-I. This policy was framed under "Ease of Doing Business" a flagship initiative of Hon'ble Prime Minister with an objective to facilitate the industry in compliance with the environmental regulations.

As per clause 8 of this policy, auto renewal of consent to operate - CTO does not prevent the board from taking corrective action against the unit, including withdrawal/ cancellation of CTO, in case the information provided by such unit are found false or incorrect and the unit fails to comply with the applicable prescribed standards for discharge of environmental pollutants under EP rules 1986 or any of the conditions of the consent so auto renewed or in case of violation of any provision of Water Act, 1974 and Air Act, 1981.

Moreover, in view of proposed amendment of frequency of policy, there is balanced check over the units and auto renewal of Consent will not make the units unchecked and/or unregulated.

3. It is submitted that under the flagship initiative of Hon'ble Prime Minister, India has figured among the 20 countries that have



improved the most on the list. In the last two years, the country has climbed 53 points (from 140th Rank) in the index to 77th place in 2019, becoming the top ranked country in South Asia for the first time and third among the BRICS. Under this EoDB initiative, Haryana State has secured 3rd position in India in an evaluation study conducted by DPIIT, GoI in 2017-18. The State has undertaken various reforms to facilitate investors and attract investments and generate employment in the State under “*Make in India*” program.

4. That it is humbly submitted that clean and healthy environment has always been the top most priority for the Government of Haryana, which has always been a front runner in taking initiatives for environment protection. The State is fully committed and aligned with a common vision of sustainable and environment friendly development in Haryana.
5. That all measures that the State has undertaken have been for **encouraging industrial development in an environment friendly manner**; the intent of State policies is to facilitate industrial development **without compromising on sanctity of environmental regulations**. Further, The State and State PCB policies do not diminish the powers of the Board to take corrective measures against non-compliance of Environmental Regulations as deemed necessary by the Board. The above steps make the policy more realistic and rational.



Chief Secretary
Government of Haryana

Place: Chandigarh
Dated: 10/10/2019

List of States, those have implemented Auto Renewal Policy:

- 1) Andhra Pradesh
- 2) Telangana
- 3) Jharkhand
- 4) Gujarat
- 5) Chhattisgarh
- 6) Madhya Pradesh
- 7) Karnataka
- 8) Rajasthan
- 9) West Bengal
- 10) Uttarakhand
- 11) Uttar Pradesh
- 12) Maharashtra
- 13) Odisha
- 14) Tamil Nadu
- 15) Himachal Pradesh
- 16) Assam
- 17) Bihar
- 18) Goa
- 19) Punjab