

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 837 OF 2018

395

IN THE MATTER OF:

Sandeep Mittal

...Applicant

Vs

Ministry Of Environment
Forest & Climate Change &ors

...Respondents

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N.D.O.H. 27/09/2019

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DATE: __25__.09.2019

PLACE: New Delh

NATIONAL GREEN TRIBUNAL
Principal Bench, New Delhi
Filing Section
Dairy No. 2344/19
25 SEP 2019
Fee.....IPO/DD/ONLINE
Signature of Receiving Officer

Filed by:

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Suprem court of india
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396

**IN THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
IN
Original Application No. 837 of 2018**

IN THE MATTER OF:-

Sandeep Mittal

...Applicant

VERSUS

Ministry of Environment,

Forest & Climate Change &Ors.

...Respondent

**AFFIDAVIT ON BEHALF OF RESPONDENT NO.1, MINISTRY OF
ENVIRONMENT, FOREST AND CLIMATE CHANGE**

MOST RESPECTFULLY SHOWETH:-

I, Dr Shruti Rai Bhardwaj, D/o Dr Ramakant Rai aged about 43 years working as Scientist 'E' in the Ministry of Environment, Forest & Climate Change (MoEFCC) at New Delhi, the deponent herein do hereby solemnly affirm and state on oath as under:-

1. That I am duly authorized and competent to swear the present counter affidavit on behalf of MoEF&CC.
2. That the contents of the application, unless specifically admitted, are denied to the extent that they are inconsistent with submissions made hereinafter.
3. It is submitted that the Answering Respondent is filing the present affidavit in compliance of the order dated 23.07.2019.
4. It is submitted that the contents of the previously filed affidavits are not being repeated herein for the sake of brevity. However, they may be treated as part of this affidavit.
5. That the review of the Order dated 23.07.2019 indicate following specific directions to the Ministry:

With regard to category 'A' projects, the data validation has to be the primary concern of the MoEF&CC and ought not be outsourced.

For Category 'B', projects, such data validation may be done through State Environment Impact Assessment Authority (SEIAA).



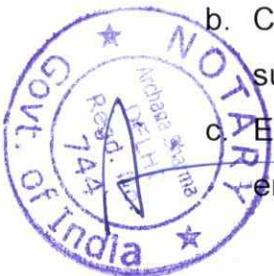
A handwritten signature in black ink, appearing to be 'Dr. Shruti Rai Bhardwaj'.

- (iii) It is necessary to have an action plan providing for revamping the existing mechanism by providing 100 % monitoring of category 'A' projects through the mechanism of regional office of MoEF&CC and CPCB.
- (iv) The Monitoring of category 'B' projects may be done through instrumentalities of the SEIAA and the State Boards in the same manner.
- (v) Accordingly, both the Regional office (RO) of MoEF&CC and the Central Pollution Control Board (CPCB) for category 'A' projects and SEIAAs and State Pollution Control Boards (SPCBs) / Pollution Control Committee (PCCs) for category 'B' projects need to be strengthened by way of gap analysis and providing of adequate man force / human resources / scientific / technical personnel as when needed.
- (vi) The action plan in this regard may be prepared within one month which may be implemented in two phases of three months each. Let such an action plan be filed in the above terms.
6. That in order to assess the work in hand, a tentative time frame has been calculated for completion of 100% monitoring of category 'A' projects on the basis of available data from ROs for 2018-19 and extrapolation of data with respect to Environment Clearance (EC) granted from 1994 onwards and the same is at **Annexure R-1**.
7. That accordingly, if only the projects issued EC during 2013-2019 are taken, then the best case scenario in terms of their monitoring could be 2.5 yrs with 50% enhancement in sanctioned staff strength and worst case scenario would be 4.5 years with Man in Position (MIP) which is 32 at present across the ten (10) ROs in the country. Accordingly, the repeat inspection of a unit can only happen after 2.5 yrs and 4.5 yrs, respectively in the above two scenarios. That if all the projects issued EC since 1994 onwards are taken then the best case scenario is 6.5 yrs with 50% enhancement in sanctioned staff Strength and worst case scenario is 13 years with MIP indicating that the repeat inspection of a unit can only happen after 2.5 yrs and 4.5 yrs, respectively in these two scenarios.
8. That for Category 'B' projects for which compliance monitoring has been directed to be responsibility of SEIAA and SPCB, following to be taken note of:



- a. Sanctioned staff strength and MIP of SEIAAs and SPCBs/PCCs are still not available.
- b. SEIAA and SPCBs are under the administrative control of State Government.
- c. There is ambiguity with respect to their present involvement in monitoring of EC conditions.

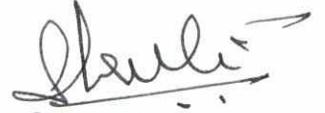
- d. Accordingly, it has been difficult to speculate the timeframe for taking up and completion of monitoring of Cat B projects at present.
- e. The SEIAAs and SPCBs have been asked to provide information so that the above timeframe may be calculated.
9. That as directed, a Six Monthly Action Plan has been prepared to reduce the timeline, enhance coverage and transparency, reduce requirement of additional human resources while ensuring comprehensive compliance of environmental conditions, thereby resulting in greater protection of the environment on a continuing basis. The Six Monthly Action Plan is placed at **Annexure R-2**.
10. That as enumerated in the Action Plan, the Ministry plans to carry out a thorough assessment of the quantum of work involved and available human resources and accordingly take up the initiatives for comprehensive refining of the existing monitoring mechanism. Based on this exercise the following action are to be undertaken:
- Filling up of vacant posts wherever applicable
 - Creation of additional posts in all the agencies to be involved in monitoring and compliance viz. ROs, CPCB, SEIAA, and SPCBs; if required
 - Hiring of young professionals as per feasibility.
 - Creation of new ROs, if required.
 - Utilizing services of CPCB and SPCBs to effectively discharge responsibilities of monitoring.
 - Strengthening Monitoring Cell within the Ministry
 - Develop web based online mechanism to automate the entire process of inspection and compliance monitoring
11. That the Action Plan provides a detailed roadmap for the coming months which includes:
- Hiring of an Independent Agency to assess the work requirement
 - Constitution of Monitoring Evaluation Committee (MEC) to steer and supervise a new monitoring mechanism.
 - Engagement of Consultant for development of web based mechanism for end to end digitization.
12. That in the interim, till the larger Action Plan is implemented, in order to improve the monitoring process, following actions has been/will be taken up:
- Filling up of nine vacant posts of Scientists in the ROs.
 - Strengthening the Monitoring Cell in the Ministry
 - Delegation of the action on monitoring reports of Category 'B' projects to SEIAA as per the Notification no. SO 637(E) dated 28th February 2014.



[Handwritten Signature]

- d. Evolving a mechanism for online maintenance of monitoring and compliance data with regard to Category – A and Category – B projects and integrating it with the existing PARIVESH portal of the Ministry.

13. It is submitted that the measures as outlined in the Action Plan are expected to enable the Ministry to eventually develop an effective and comprehensive monitoring mechanism that will ensure compliance with environmental conditions and greater protection of the environment.



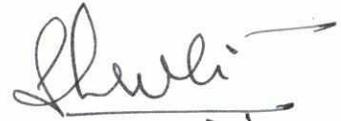
डा. श्रुति राय भारद्वाज
Dr. SHRUTI RAI BHARDWAJ
वैज्ञानिक 'ई' / Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. of Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

VERIFICATION

25 SEP 2019

Verified at New Delhi on _____ this day of September, 2019 that the contents of the above affidavit are correct to my knowledge and belief based on official records and nothing material has been concealed therefrom.

Singh Prakash Singh
I Identify the deponent who has
Signed/put T.I. In my presence.



DEPONENT

डा. श्रुति राय भारद्वाज
Dr. SHRUTI RAI BHARDWAJ
वैज्ञानिक 'ई' / Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. of Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi



certified that the foregoing statement
was declared on solemn affirmation
before me which has been read over
to the deponent who has admitted
it to be correct.

25 SEP 2019

ORIGINAL APPLICATION NO. 837 OF 2018 IN NGT DELHI- ORDER DATED
23.07.2019

TENTATIVE TIMEFRAME

I. CATEGORY 'A' PROJECTS

100% MONITORING BY REGIONAL OFFICES OF MOEF&CC AND CPCB

Sanctioned Strength of staff in all ROs - 41

Total Manpower in Position (MIP) in all the ROs- 32

Projects to be monitored by One (1) Scientist in 1 month- 5 (as per the existing mechanism)

Assumption- One Person Monitoring team.#

It is desirable for category 'A' projects that two (2) scientists devote at least 2 days (including logistics, inspection time and report preparation to complete one inspection)

2013-2019

No of ECs issued- 8411

Total Cat A to be monitored- 8411 (100%)

1994 onwards

No of ECs issued (extrapolation)*- 24390

Total Cat A to be monitored- 24390 (100%)

* Extrapolation of data using the assumption that ECs issued prior to 2013 were 50% for 5 year period in reference to 2013-2019 period

1. SCENARIO 1(A)- EXISTING MIP DOING ONLY ONE INSPECTION OF THE PROJECT

Projects monitored by 32 scientists in 1 month- 160

Projects monitored by 32 scientists in 1 year- 1920

Accordingly:

- (i) 4.3 i.e. approx. 4.5 years for monitoring of all the Cat A projects of 2013-19.
- (ii) 12.7 ie. approx. 13 years for monitoring all the projects of 1994 onwards

Hence the repeat inspection can only happen after 4.5 years in case of (i) above and after 13 years in case of (ii) above.

2. SCENARIO 1(B)- SANCTIONED STRENGTH

Projects monitored by 41 scientists in 1 month- 205
 Projects monitored by 41 scientists in 1 year- 2460

Accordingly:

- (i) 3.42 i.e. approx. 3.5 years for monitoring all the Cat A projects of 2013-19.
- (ii) 9.9 i.e. approx. 10 years for monitoring all the projects of 1994 onwards

Hence the repeat inspection can only happen after 3.5 years in case of (i) above and after 10 years in case of (ii) above.

3. SCENARIO 2 - 50% ENHANCEMENT IN STAFF WRT SANCTIONED STRENGTH

Total available scientists- 62
 Projects monitored by 62 scientists in 1 month- 310
 Projects monitored by 62 scientists in 1 year- 3720

Accordingly:

- (i) 2.3 i.e. approx. 2.5 yrs for monitoring all the projects of 2013-19
- (ii) 6.5 yrs for monitoring of all the projects of 1994 onwards.

Hence the repeat inspection can only happen after 2.5 years in case of (i) above and after 6.5 years in case of (ii) above.

Summary

For the projects issued EC during 2013-2019

- (i) Best Case Scenario is 2.5 yrs with 50% enhancement in staff wrt sanctioned Strength.
- (ii) Worst Case Scenario is 4.5 years with MIP.

For the projects issued EC after 1994 onwards

- (i) Best Case Scenario is 6.5 yrs with 50% enhancement in staff wrt sanctioned Strength.
- (ii) Worst Case Scenario is 13 years with MIP.

II. CATEGORY 'B' PROJECTS

MONITORING BY SEIAAS AND SPCBs/PCC

- (i) The data wrt ECs requiring to be monitored in respect of Category B projects, sanctioned staff strength and MIP of SEIAAs and SPCBs/PCCs are still not available.
- (ii) SEIAA and SPCBs are under the administrative control of State Government.
- (iii) There is ambiguity wrt their present involvement in monitoring of EC conditions.
- (iv) Accordingly, it has been difficult to speculate the timeframe for taking up and completion of monitoring of Cat B projects at present.
- (v) The SEIAAs and SPCBs have been asked to provide information so that the above timeframe may be calculated.

ORIGINAL APPLICATION NO. 837 OF 2018 IN NGT DELHI

Order Dated 23.07.2019

SIX MONTHLY ACTION PLAN

In accordance with the directions of the Hon'ble NGT, the Ministry has devised a plan for strengthening its monitoring system. As a preliminary step this involves assessment of: a) quantum of work, and b) resources available. Based on this assessment, the requirement of additional staff, additional Regional Offices and cooperation of other agencies will be worked out.

The initial plan also involves the development of a web based system to automate the entire process of inspection and compliance monitoring. This system is expected to reduce the time taken for monitoring, enhance coverage and transparency, reduce requirement of significant additional human resources even while ensuring comprehensive compliance of environmental conditions, thereby resulting in greater protection of the environment on a continuing basis.

The Action Plan is outlined below:

August 2019 *

1. Strengthening the Monitoring Cell in the Ministry which is limited to one scientist and no support staff by involving additional technical/scientific manpower and support staff and hiring of young professionals and ad hoc support staff.
2. Writing to all the 79 offices i.e. 10 ROs, 6 CPCB Regional Directorates, 29 SPCBs, 6 PCCs, 28 SEIAAs for all the details wrtthe existing staff and vacancies, their preparedness and specific Action Plan for taking up monitoring of 100% Category A and reasonable percentage of Category B projects as directed by the Hon'ble NGT.
3. Evolving a mechanism for online maintenance of monitoring and compliance data with regard to Category – A and Category – B projectsand integrating it with the existing PARIVESH portal of the Ministry.
4. SEIAAs asked to take up strict implementation of Notification dated 2014, wherein show cause and issuance of directions for Cat B has been delegated by the Ministry to SEIAA.

* Most of the actions have already been initiated.

September 2019

5. **Taking up the issue of filling up of 9 Vacant Posts of Scientists in the ROs.**
6. Selection and hiring of an Independent Agency like NEERI/IIT/ASCI or other government recognized autonomous research body to:
 - (a) Undertake assessment of number of ECs issued till date for both Category 'A' and Category 'B' projects.
 - (b) Identifying the clusters on the basis of number of ECs issued to help in taking decision wrt setting up of ROs.
 - (c) Assessment of existing manpower and sanctioned manpower in all the agencies to be involved in monitoring viz. MoEFCC's ROs, CPCB and its regional offices, SEIAAs and SPCBs.
 - (d) Evaluate the existing international best practices regarding the monitoring and compliance mechanism and suggest the successful models applicable to India.**

October 2019

7. Constitution of Monitoring Evaluation Committee (MEC) with following Terms of Reference (ToR):
 - (a) Evolving the criteria for deciding the periodicity of monitoring of various category of project/industry. The periodicity of monitoring may not be uniform irrespective of industry type and can be finalized utilizing the criteria such as capacity of the unit, CPCB categorization (white, green, orange, red), environmental impact, categorization under EIA notification etc rather than keeping it uniform irrespective of industry type.
 - (b) Reviewing the integration of all the existing statutory inspection and data collection mechanisms as part of CTO, CTE, EC, Authorization etc under one system of inspection and data collection to ensure optimum utilization of manpower and infrastructure.

- (c) Evaluate the Report of Independent Agency assigned with assessment of ECs, manpower and international best practices.
- (d) Development of a web based system for end to end digitization of the whole monitoring mechanism utilizing the existing international best practices.
- (e) **Verification of the existing Online Continuous Emission/Effluent Monitoring Systems (OCEMS) for monitoring of industrial emissions and effluent and other related technologies to rectify the incidences of data fudging.**
- (f) The OCEMS and other data integrated with CPCB and SPCBs server to be integrated with the web based monitoring mechanism so as to avoid all kind of duplications.
- (g) **Examine the proposals for creation of ROs across the geographical location, taking into account the regional disparity** in the number of ROs and the ECs to be monitored.
- (h) The whole process to inter alia involve discussion of MEC with CPCB, SPCB, ROs, SEIAAs and NIC.
- (i) **Workout the manpower and infrastructure requirement in all the agencies for effective implementation of monitoring and compliance on the basis of information available at (a) to (h).**
- (j) **Formulation of Standard Operating Procedure (SOP) for inspection and monitoring of environmental conditions.**
- (k) Formulation of comprehensive integrated monitoring and inspection plan utilizing the information available from (a) to (j).
- (l) Evolving the training plan for intensive training of all the stakeholders involved in the newly structured monitoring mechanism and web based system.

The baseline information to be used for the purpose are:

- a. the present target of 100% Category A by ROs and CPCB and reasonable percentage of Category B projects by SEIAA and SPCB.
 - b. Variation in number of projects being dealt in different states to be taken into account while suggesting the augmentation.
8. First Meeting of Monitoring Evaluation Committee.

November 2019- December 2019

9. Second Meeting of Monitoring Evaluation Committee for discussion on periodicity of monitoring and integration of all the existing statutory inspection and data collection mechanisms.
10. Third Meeting of the MEC on the web-based system with various stakeholders including NIC to evaluate the structure of the system.
11. Initiate the procedure for hiring of a consulting firm for helping ministry in evolving and managing the web based system for end to end digitization of the whole monitoring mechanism, if need felt.

January 2020

12. Submission of the report of Independent Agency.
13. Report of Independent Agency wrt the need of manpower to be forwarded to Internal Work Study Unit (IWSU) of the Ministry for evaluation.
14. Submission of proposal on Web based system.
15. Fourth meeting of the MEC on the Web based system.

Post January 2020

16. Meetings of MEC for finalization of SOP for Compliance Monitoring and Inspection, to work out the manpower, infrastructure and ROs requirement and other assignments indicated in its ToR.

17. Initiate actions towards evolving Web-based system on the above-mentioned lines.
18. **Initiate actions towards strengthening/ expansion of ROs on the basis of available report of MEC.**
19. **Initiate action towards manpower and infrastructure augmentation in all the concerned agencies for effective implementation of monitoring and compliance on the basis of MEC report.**
20. Intensive training of all the stakeholders involved in the newly structured monitoring mechanism and web based system.

Note:

The present exercise needs to be undertaken with a great deal of caution in view of large gaps existing in the available data as summarized below:

- Categorization of A & B did not exist prior to 2006.
Implications: All projects prior to 2006 may have to be monitored by ROs. No clear cut, well demarcated year wise data for this purpose is available as yet.
- Post 2006, ECs in respect of Cat B projects were issued by SEIAAs wherever they were constituted. In other states, MoEF&CC continued to issue ECs. This breakup is not available at present.

Implication: the quantum of job at hand is not amenable to being assessed realistically.

Item No.03

Court No. 1

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

Original Application No.837/2018
(M.A. No. 1549/2018 &I.A. No. 290/2019)

Sandeep Mittal

Applicant(s)

Versus

Ministry of Environment, Forests &
Climate Change &Ors.

Respondent(s)

(Report filed by the joint Committee with M.A. No. 1549/2018 for exemption from filing typed copy of dim illegible annexures&I.A. No. 290/2019 for compliance supervision, monitoring, analysis and sanction as per order on EIA conditions)

Date of hearing: 23.07.2019

CORAM:

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

Mr. P. Mishra, Advocate

For Respondent (s):

Ms. Shivani Luthra Lohiya, Advocate with Ms.
Geeta Menon, JS, MoEF and Dr. Shruti Rai
Bhardwaj

ORDER

1. The question for consideration is the effectiveness of monitoring mechanism for compliance of Environmental Clearance (EC) conditions as per Notification dated 14.09.2006 under the Environment (Protection) Act, 1986. Environment Impact

Assessment is an essential component of the 'Precautionary' principle as well as the 'Sustainable Development' principle under Section 20 of the National Green Tribunal Act, 2010 which are to be enforced by this Tribunal under Section 15 of the Act. Such impact assessment is regulated by statutory notification dated 14.09.2006. Laying down conditions for EC is not enough unless compliance thereof is duly monitored.

2. Faced with the grievance that there was flagrant violation of conditions of Environmental Clearance and adequate monitoring was not taking place, vide order dated 30.10.2018, the Tribunal observed that compliance of conditions of Environmental Clearance must be monitored on periodical basis, atleast once in a quarter. Accordingly, the Ministry of Environment, Forest and Climate Change (MoEF&CC) was directed to evolve an appropriate mechanism to that effect and furnish a report.

3. The matter was thereafter listed for further consideration on 29.04.2019 and it was observed:-

“4. On due consideration of status of monitoring, we find the same to be highly inadequate. There is no monitoring to the extent of 92% of category -B projects and 33% of category-A projects. Further, the 3 monitoring mechanism only involves issuance of show cause notices and seeking action taken reports but there is no application of 'Polluter Pays' principle by assessing and recovering compensation where violations are found. Apart from there being no data from the Chennai, there is no separate data with

regard to category A and B projects. In respect of compliance status, we find that even where major non-compliance has been found, no compensation has been recovered even for such major violations. This calls for urgent remedial action.

5. Let remedial measures be taken forthwith by incorporating the requirement of recovery of compensation for the violation of environmental conditions on laid down scale and method of online maintenance of data with regard to category A and B projects separately. In spite of repeated adjournments, MoEF&CC has not been able to give adequate and correct data which shows that urgent measures need to be taken.
6. We also note that there is plea of inadequate staff which is sought to be remedied by outsourcing from empanelled institutions. Primary and essential regulatory functions must be discharged by the statutory authorities and it is only validation which may be outsourced. Wholesale outsourcing may make it difficult to have any accountable mechanism.
7. Let remedial measures be taken by the MoEF&CC for meaningful compliance of environmental Rule of law and protection of environment. The mechanism may provide for 100% checking of Environmental Clearance conditions with respect to category-A projects and a reasonable percentage of category-B projects in view of 4 significance of the subject. A revised affidavit be filed by the concerned Joint Secretary, MoEF&CC who may remain present in person for assistance of the Tribunal on the next date of hearing.

8. *In respect of the project involved in the present case, a Joint Committee of representatives of SPCB, CPCB, SEIAA and Regional Office of MoEF&CC may furnish a report of the status of compliance of Environmental Clearance conditions with reference to the allegations in the application within two months by e-mail at ngt.filing@gmail.com. The nodal agency will be the SIEAA for coordination and compliance.”*

4. Accordingly, an affidavit has been filed by Ms. Geeta Menon, Joint Secretary, MoEF&CC on 20.07.2019 who is also present in person. The affidavit acknowledges the need to enhance and maximize the monitoring mechanism as follows:

“
(a) *We acknowledge the direction of Hon’ble NGT that primary and essential regulatory functions as monitoring should be discharged by the statutory and it is validation which may be outsourced. That accordingly as elaborated at para (B) above Ministry is working towards empowering the SPCBs and increasing the number of ROs/manpower in CPCB/SPCB/ROs, which has been considered as more acceptable than exclusively engaging outside agencies.*

(b) *That in consonance with the direction of Hon’ble NGT it is to submit that the major objective of Third Part Monitoring Mechanism is validation of 6 monthly compliance reports submitted by the Project Authority.*

(c) *The third-party monitoring mechanism will be mainly for monitoring of Category-B projects through*

validation of their 6 monthly and Category-A projects will continue to be monitored by ROs of the Respondent. Taking into account the quantum of ECs to be monitored, third-party monitoring will be used only to supplement essential to supplement existing efforts of the Respondent towards strengthening the existing, Monitoring mechanism for EC and to improve compliance through comprehensive validation and technical expertise.

- (d) That the third-party monitoring mechanism will involve government organization, research institutes, universities, etc of repute which will also serve to fill the technological and information gaps that may exist.
- (e) We acknowledge the significance of "Polluter Pays" principle by assessing and recovering compensation where violation are found. That in case of directions of Hon'ble NGT to the Ministry for implementation of the same in specific cases, such directions can be implemented with the involvement of CPCB, utilizing their reports and guidelines."

5. During interaction, the Tribunal has conveyed to the Joint Secretary that with regard to category 'A' projects, the data validation has to be the primary concern of the MoEF&CC and ought not be outsourced. For category 'B' projects, such data validation may be done through SEIAA. It is necessary to have an action plan providing for revamping the existing mechanism by providing 100% monitoring of category 'A' projects through the mechanism of regional offices of MoEF&CC and CPCB. The

Monitoring of category 'B' projects may be done through instrumentalities of the SEIAA and the State Boards in the same manner. Accordingly both the regional offices of MoEF&CC and the CPCB for category 'A' projects and SEIAAs and State Boards/PCCs for category 'B' projects need to be strengthened by way of gap analysis and providing of adequate man force/human resources/scientific/technical personnel as and when needed. The action plan in this regard may be prepared within one month which may be implemented in two phases of three months each.

6. Let such an action plan be filed in above terms. The need for 100% monitoring of category 'A' projects is necessary in view of serious challenges of environment faced by the country in the form of there being 100 polluted industrial clusters, 351 polluted river stretches and 102 non-attainment cities (which issues are being dealt by this Tribunal)¹ apart from other serious issues.²

¹ Order dated 13.12.2018 in Original Application No. 1038/2018, News item published in "The Asian Age" Authored by Sanjay Kaw Titled "CPCB to rank industrial units on pollution levels"
Order dated 20.09.2018 in Original Application No. 673/2018, NEWS ITEM PUBLISHED IN 'THE HINDU' AUTHORED BY SHRI. JACOB KOSHY Titled "More river stretches are now critically polluted: CPCB"

Order dated 08.10.2018 in Original Application No. 681 of 2018, News Item Published In The Times of India' Authored by Shri. Vishwa Mohan Titled "NCAP with Multiple Timelines to Clear Air in 102 Cities to be released around August 15"

² [https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(18\)30261-4/fulltext](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(18)30261-4/fulltext). This study shows that in 2017, 1.24 million deaths occurred in India, which were 12.5% of the total deaths, all attributable to air pollution, including 0.67 million from ambient particulate matter pollution and 0.48 million from household air pollution. Of these deaths attributable to air pollution, 51.4% were in people younger than 70 years. India contributed 18.1% of the global population but had 26.2% of the global air pollution DALYs in 2017.
<http://unicef.in/Story/1219/World-Water-Day-2018-How-Sanitation-Can-Help-the-Environment-This-study-indicates-that-lack-of-access-to-safe-water-annually-contributes-to-over-117,000-children-dying-from-diarrhoea,-and-37.7-million-Indians-being-affected-by-waterborne-diseases-such-as-typhoid-and-cholera>

List for further consideration on 27.09.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 23, 2019
Original Application No.837/2018
(M.A. No. 1549/2018 &I.A. No. 290/2019)
AK



414

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

Case No.: O.A. No. 5, 837 / 2018

IN THE MATTER OF:

Sandeep Mittal

Versus

Ministry of Environment Forest &
Climate Change Govt.

PROOF OF SERVICE

APPLICANT	<i>Recd of copy</i> <i>Recd M</i> <i>95/09/19</i> <i>9971649880</i> <i>Salt</i>
RESPONDENT NO.1	
RESPONDENT NO.2	
RESPONDENT NO.3	
RESPONDENT NO.4	
RESPONDENT NO.5	
RESPONDENT NO.6	
RESPONDENT NO.7	
RESPONDENT NO.8	
RESPONDENT NO.9	
RESPONDENT NO.10	