

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

ORIGINAL APPLICATION No. 159 OF 2021 (SZ) & I.A. No. 149 of 2021 (SZ)

In The Matter of:

Kankana Das.Applicant (s)
Kolkata

Verses

Union of India,Respondent (s)
Through Secretary, MoEF & CC and others.

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K. Srinivas 13/12/2021

K. Srinivas

Joint Chief Environmental Scientist (FAC)
Andhra Pradesh Pollution Control Board
Vijayawada

STATUS REPORT ON THE IMPLEMENTATION OF NATIONAL CLEAN AIR PROGRAM IN ANDHRA PRADESH IN THE MATTER OF O. A. NO. 159/2021 TITLED: KANKANA DAS, KOLKATA Vs UNION OF INDIA, THROUGH SECRETARY, MOEF & CC AND OTHERS, SUBMITTED TO HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI IN COMPLIANCE TO HON'BLE NGT ORDER DATED NOVEMBER 12, 2021.

1. Preamble:

The Hon'ble NGT in the order dated 12.11.2021 in the case of O.A. No. 159 of 2021 (SZ) directed the Andhra Pradesh Pollution Control Board as below:

.....15. *“The State of Andhra Pradesh as well as Andhra Pradesh Pollution Control Board (APPCB) are also directed to file their statements showing the action plan evolved by them on the basis of the directions given by the Central Pollution Control Board (CPCB) and also by Ministry of Environment, Forests and Climate Change (MoEF & CC) for implementation of National Clean Air Program (NCAP) on Pan India basis.”....*

The copy of the NGT order dated 12.11.2021 is enclosed as *Annexure - 1*.

2. Status Report on the implementation of NCAP activities in Andhra Pradesh:

2.1 Introduction:

National Clean Air Program (NCAP) is a National level strategy launched by Ministry of Environment Forests & Climate Change (MoEF & CC), Government of India, New Delhi in January, 2019 with the goal to improve the air quality in both regional & urban scale in India with the target of reduction in PM 10 concentrations 25-30% in the next five years, 2020-21 to 2024-25.

2.2 Identification of Non-attainment cities in Andhra Pradesh:

Central Pollution Control Board (CPCB) initially has identified five (5) cities viz., Visakhapatnam, Vijayawada, Guntur, Nellore and Kurnool in Andhra Pradesh as non-attainment cities for not meeting the National Ambient Air Quality Standards (NAAQS, 2009), particularly annual average of Particulate Matter (PM 10) by taking the ambient air

quality data for the period of five years from 2011 to 2015 into consideration and directed APPCB to formulate action plans.

Later, CPCB has further identified eight (8) cities in the State as non-attainment cities namely, Srikakulam, Vizianagaram, Rajamahendravaram, Eluru, Ongole, Chittoor, Anantapur and Kadapa for not meeting the PM10 annual average standard based on the ambient air quality data for the period of five years from 2014 to 2018 and directed APPCB to formulate action plans to improve the air quality in the said cities.

2.3 The Hon'ble NGT, Principal Bench, New Delhi directions in the Orders in O. A. No. 681/2018 and compliance:

2.3.1 The Hon'ble NGT, Principal Bench, New Delhi Order, dated 08.10.2018 (Annexure – 2):

As per the directions, the Environment, Forests, Science & Technology (EFS & T) Department, Government of Andhra Pradesh has issued Government Order Rt. No. 167 dated 14.11.2018 (**Annexure – 3**) constituting the “Air Quality Monitoring Committee” (AQMC) with the following members for formulation of City Action Plans for the non-attainment cities.

S. No.	Member of the Committee	Designation
1	Commissioner, Transport	Member
2	Commissioner, Industries	Member
3	Commissioner & Director, MA&UD	Member
4	Commissioner & Director, Agriculture	Member
5	Member Secretary, APPCB	Member Convener
6	Special Secretary to Government, Environment, Forests, Science & Technology Department	Member

AQMC approved action plans for the first five non-attainment cities, viz., Visakhapatnam, Vijayawada, Guntur, Nellore and Kurnool have been communicated to CPCB for subsequent approval. These action plans have been approved by CPCB and these approved city action plans have been communicated

to the concerned stakeholders on 22.04.2019 (**Annexure – 4**). These approved city action plans are under implementation by the following stakeholder departments:

- i) Municipal Administration & Urban Development Department,
- ii) Industries Department,
- iii) Agriculture Department,
- iv) Transport Department,
- v) Traffic & Road Safety Department,
- vi) Civil Supplies Department,
- vii) National Highways Authority of India (NHAI),
- viii) Mine & Geology Department,
- ix) Andhra Pradesh Genco & Transco,
- x) New & Renewable Energy Development Corporation of Andhra Pradesh Ltd. (NREDCAP),
- xi) Petroleum and Explosives Safety Organization (PESO),
- xii) Andhra Pradesh State Disaster Management Authority (APSDMA)
and
- xiii) Andhra Pradesh Pollution Control Board (APPCB).

These action plans consists of sector and stakeholder specific short term, medium term and long term interventions to comply with towards to improve air quality in the said 13 non-attainment cities.

2.3.2 The Hon'ble NGT, Principal Bench, New Delhi Order, dated 15.03.2019 (Annexure – 5):

As directed, APPCB in coordination with the concerned stakeholders has formulated action plans to control noise pollution in the State and communicated to CPCB and concerned stakeholders viz., Police, Municipal Administration, Transport and Education Departments on 11.12.2019 for implementation (**Annexure – 6**).

Further, in compliance to the directions, Police Department, Andhra Pradesh has procured 18 nos. of noise measuring instruments and distributed to all the Police

Commissionerates and Districts for attending public complaints and to meet other regulatory requirements.

2.3.3 The Hon'ble NGT, Principal Bench, New Delhi Order, dated 06.08.2019 (Annexure – 7):

2.3.3.1 Eight more cities viz., Srikakulam, Vizianagaram, Rajamahendravaram, Eluru, Ongole, Chittoor, Anantapur and Kadapa as identified by CPCB, action plans have been formulated and communicated to the concerned stakeholders on 20.04.2021 with due approvals from AQMC and CPCB (Annexure – 8).

2.3.3.2 Further in compliance of the directions of Hon'ble NGT and CPCB as well, APPCB has issued directions to the concerned stakeholder departments viz., Municipal Administration, Transport and Police, vide Order APPCB-12022/4/2018-SS-CL-APPCB-848, dated 28.08.2021 (Annexure – 9) to implement the CPCB evolved compensation regime for continued violation of Noise Pollution (Regulation and Control) Rules, 2000 and its amendments.

2.3.3.3 Public Grievance Redressal Portal (PGRP) has been developed and is made operational by APPCB for the benefit of the general public.

2.3.3.4 Emergency Response System (ERS) has also been formulated and made part of the approved city action plans for all the 13 non-attainment cities.

2.4 The Hon'ble NGT, Principal Bench, New Delhi Order, dated 20.11.2019 on installation of air quality monitoring stations and Source Apportionment, Carrying Capacity & Emission Inventory studies (Annexure – 10):

2.4.1 APPCB has installed sufficient nos. of manual ambient air quality stations in all the 13 non-attainment cities meeting the CPCB criteria.

Visakhapatnam and Rajamahendravaram are having Continuous Ambient Air Quality Monitoring Stations (CAAQMSs) @ one each for monitoring of ambient

air quality online on real time basis for eight parameters, viz., PM10, PM2.5, SO2, NO2, NH3, CO, Ozone and Benzene.

Purchase order has been issued for the supply, installation & commissioning of eight stations to install at Vijayawada (4 nos.), Tirupati, Chittoor, Anantapur and Kadapa @ one each with the funds of NCAP and Assistance for Abatement of Pollution.

Tendering process is under way for procurement of 11 nos. of CAAQM Stations to install at Srikakulam, Vizianagaram, Rajamahendravaram, Eluru, Guntur, Vijayawada, Ongole, Nellore and Kurnool @ one each and 2 nos. at Visakhapatnam with the funds of NCAP, 15th Finance Commission and CPCB Environmental Compensation.

2.4.2 Indian Institute of Technology, Tirupati is carrying out Source Apportionment studies for Vijayawada non-attainment city with NCAP grants. APPCB is in the process of issuing work orders to the reputed institutes to carry out these studies for the rest 12 non-attainment cities with the NCAP and other Central Govt. grants.

2.5 Constitution of three committees at State level for effective implementation of NCAP:

As per the recommendations of MoEF & CC, Govt. of India, New Delhi, the EFS & T Department, Government of Andhra Pradesh has issued Government Order Rt. No. 46 dated 11.06.2020 (**Annexure – 11**), constituting the following three committees for effective implementation of NCAP in the State of Andhra Pradesh.

a) Steering Committee: Headed by the Chief Secretary:

1	Principal Secretary, Transport	Member
2	Principal Secretary, Industries	Member
3	Principal Secretary, MA & UD	Member

4	Principal Secretary, Agriculture	Member
5	Principal Secretary, Home affairs	Member
6	Principal Secretary, EFS&T	Member Convener

b) Monitoring Committee:

1	Principal Secretary, EFS&T	Chairman
2	Commissioner, Transport	Member
3	Commissioner, Industries	Member
4	Commissioner & Director, MA & UD	Member
5	Commissioner & Director, Agriculture	Member
6	Member Secretary, APPCB	Member Convener

c) Implementation Committee: For the 13 non-attainment cities and towns of A.P.
i.e.,

1) Srikakulam, 2) Vizianagaram, 3) Visakhapatnam, 4) Rajamahendravaram, 5) Eluru, 6) Vijayawada, 7) Guntur, 8) Ongole, 9) Nellore, 10) Kurnool, 11) Chittoor, 12) Anantapuram and 13) Kadapa.

1	District Magistrate	Chairman
2	District incharge of the Transport Dept.	Member
3	District incharge of the Industries Dept.	Member
4	District incharge of the MA & UD Dept.	Member
5	District incharge of the Agriculture Dept.	Member
6	District incharge of the APPCB	Member Convener

2.6 Other NCAP related initiatives:

2.6.1 CPCB has nominated its officials as nodal officers to oversee the implementation of the NCAP activities in the said 13 non-attainment cities of Andhra Pradesh (**Annexure – 12**). Implementation committee meetings in presence of these

CPCB nodal officers are convened on bimonthly basis to review the progress on implementation of action plans in the 13 non-attainment cities.

- 2.6.2** APPCB has identified Hotspots in respect of air pollution in the 13 non-attainment cities to give more attention at such places to control air pollution.
- 2.6.3** APPCB has entered tripartite Memorandum of Understanding (MoU) with 13 non-attainment city ULBs (Srikakulam, Vizianagaram, Visakhapatnam, Rajamahendravaram, Eluru, Vijayawada, Guntur, Ongole, Nellore, Kurnool, Chittoor, Anantapur and Kadapa) and three Institutes of Repute (IoR) (Andhra University, Visakhapatnam, IIT, Tirupati & National Atmospheric Research Laboratory (NARL), Gadanki) as knowledge partners for taking technical support for effective implementation of NCAP activities.
- 2.6.4** APPCB in coordination with the concerned stakeholders has formulated micro level action plans for the six cities viz., Srikakulam, Vizianagaram, Rajamahendravaram, Eluru, Anantapur and Kadapa. Formulation of micro level action plans for the rest 7 cities are in process.
- 2.6.5** Physical and financial progress on utilization of grants released during the FY 2019-20 and 2020-21 under NCAP has been submitted to CPCB.
- 2.6.6** Of the 13 non-attainment cities, two are Million-plus cities, Visakhapatnam & Vijayawada have been covered under 15th Finance Commission grants from 2020-21 to 2025-26 to utilize exclusively to implement the approved city action plan points for improvement of air quality. The other 11 non-attainment cities have been covered with NCAP grants as gap funding.
- 2.6.7** CPCB has developed “Portal for Regulation of Air-pollution in Non-Attainment cities” (PRANA) an online portal and made available for State Pollution Control Boards and Urban Local bodies for uploading & updation of city wise NCAP related activities, which will be monitored by CPCB on regular basis.

2.6.8 APPCB is regularly attending the NCAP Steering Committee, Monitoring Committee and Implementation Committee meetings convened by MoEF & CC and CPCB and is complying with the directions issued from time-to-time.

2.7 Ambient air quality status in Andhra Pradesh:

APPCB is monitoring ambient air quality at 81 locations in Andhra Pradesh covering 20 cities & towns. The data of annual average concentrations of PM 10 for the period from 2014 to 2021 (upto November) is as follows:

Table – 1: Annual average concentrations of PM 10 for the period from 2014 to 2021 (upto November)

S. No.	Cities	Particulate Matter (PM 10)								*Annual standard
		2014	2015	2016	2017	2018	2019	2020	2021 (till November)	
1	Pydibheemavaram	69 (1)	72 (1)	72 (1)	69 (1)	74 (1)	73 (1)	65 (1)	73 (1)	60
2	Srikakulam	-	-	-	68 (2)	70 (3)	63 (3)	57 (3)	76 (3)	
3	Vizianagaram	-	-	-	63 (2)	65 (2)	65 (3)	59 (3)	70 (3)	
4	Bobbili	68 (1)	71 (1)	86 (1)	73 (1)	66 (1)	73 (1)	63 (1)	76 (1)	
5	Visakhapatnam	70 (10)	68 (10)	82 (10)	78 (10)	81 (10)	78 (10)	75 (10)	83 (10)	
6	Rajamahendravaram	70 (1)	61 (1)	62 (1)	65 (2)	75 (4)	63 (5)	56 (5)	66 (5)	
7	Kakinada	63 (1)	79 (1)	62 (1)	69 (3)	75 (4)	63 (4)	50 (4)	61 (4)	
8	Eluru	97 (1)	79 (1)	70 (1)	70 (2)	70 (4)	63 (4)	60 (4)	62 (4)	
9	Vijayawada	97 (4)	99 (4)	95 (4)	92 (7)	80 (10)	71 (10)	55 (9)	66 (9)	
10	Guntur	88 (1)	100 (1)	88 (1)	64 (2)	53 (4)	52 (4)	53 (4)	60 (4)	
11	Ongole	63 (1)	67 (1)	65 (1)	65 (4)	65 (4)	60 (4)	50 (4)	53 (4)	
12	Nellore	71 (1)	66 (1)	66 (1)	64 (2)	64 (4)	66 (4)	56 (4)	55 (4)	
13	Kurnool	77 (1)	82 (1)	67 (1)	75 (4)	65 (4)	60 (4)	50 (4)	58 (4)	
14	Chittoor	68	69	63	69	61	54	42	44	

		(1)	(1)	(1)	(1)	(3)	(4)	(4)	(4)
15	Anantapur	76 (1)	86 (1)	85 (1)	72 (4)	71 (4)	67 (4)	60 (4)	56 (4)
16	Kadapa	-	-	-	69 (1)	61 (4)	52 (4)	43 (4)	54 (4)
17	Yerraguntla	77 (1)	70 (1)	69 (1)	74 (1)	69 (1)	57 (1)	48 (1)	51 (1)
18	Tirupathi	62 (1)	62 (1)	59 (1)	66 (2)	55 (4)	54 (4)	41 (4)	46 (4)
19	Tirumala	61 (1)	65 (1)	61 (1)	75 (1)	77 (1)	58 (1)	43 (1)	52 (1)
20	Amaravathi	-	-	-	70 (1)	83 (1)	75 (1)	54 (1)	52 (1)

Note: All values are expressed in $\mu\text{g}/\text{m}^3$. *National Ambient Air Quality Standard for annual average. Numbers given within the brackets represent the no. of stations.

The AQI values at all these cities & towns of Andhra Pradesh found to be in the range from Good to Satisfactory categories.

2.8 Formulation of State action plan to control air pollution:

MoEF & CC / CPCB has formulated and circulated the “Indicative Template for State Action Plan” to all the States covered under NCAP to formulate and furnish the State Action Plan. Accordingly, APPCB has circulated and requested all the concerned stakeholders to furnish the information as per the “Indicative Template for State Action Plan”, vide APPCB letter dated 28.11.2021 (**Annexure – 13**). Information is awaited from the concerned stakeholders for the formulation of State Action Plan for Andhra Pradesh.

APPCB may be given three months time for formulation of State Action Plan to submit to CPCB for approval and subsequent implementation.

Submitted for kind consideration.

Date: 13.12.2021.

Place: Vijayawada.



K. Srinivas

Joint Chief Environmental Scientist (FAC)
Andhra Pradesh Pollution Control Board
Vijayawada.

Item No.01:

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

**Original Application No. 159 of 2021 (SZ) &
I.A. No. 149 of 2021 (SZ)**
(Through Video Conference)

IN THE MATTER OF

Kankana Das.
Kolkata



Versus

...Applicant(s)

Union of India,
Through Secretary, MoEF&CC and others.

..Respondent(s)

Date of order: 12.11.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. DR. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s): Mr. Saurabh Sharma / I/A

For Respondent(s): ME. Saraswathy for R1
Dr. D. Shanmuganathan for R3
Mr. S. Sai Sathya Jith for R4
Mr. Rajath Jonathan Shaw represented
Mr. K.M. Darpan for R5
Ms. Ojas Sivakumar represented
Mr. M.R. Gokul Krishnan for R6
Ms. Renuka represented
Mrs. H. Yasmeeen Ali for R7
Mr. T. S. Sai Krishnan for R8

ORDER

1. ***I.A. No. 149 of 2021 (SZ)***: This is an application filed by the applicant to implead the State of Andhra Pradesh and the Andhra Pradesh Pollution Control Board (APPCB) as additional respondents 9 and 10 respectively.
2. The main application was filed by the applicant to implement the National Clean Air Programme (NCAP) which was launched by the Ministry of Environment, Forests and Climate Change (MoEF&CC) in the year 2019.
3. According to the applicant, the States mentioned in that application have not implemented the same in its letter and spirit. Originally the applicants impleaded only the State of Tamil Nadu, State of Karnataka and the State of Telangana and the respective Pollution Control Boards (PCBs) who are expected to implement the scheme.
4. Since, the applicant is of the opinion that the State of Andhra Pradesh also has not implemented the National Clean Air Programme (NCAP) as expected, they wanted the State of Andhra Pradesh and the Andhra Pradesh Pollution Control Board (APPCB) are also necessary parties to the proceedings, they are impleaded as additional respondents 9 and 10.
5. The application is allowed and the State of Andhra Pradesh, through Chief Secretary, Building No. 1, 1st Floor, Interim Government Complex, A.P. Secretariat, Velagapudi, Guntur and the Andhra Pradesh Pollution Control

Board (APPCB), through Member Secretary, D. No. 33-26-14 D/2, Pushpa Hotel Centre, Chalamalavari Street, Kasturibaipet, Vijayawada – 520 010 are impleaded as additional respondents 9 and 10 respectively. *I.A. No 149 of 2021 (SZ)* is allowed and disposed of accordingly. Service Complete.

6. *O.A. No. 159 of 2021 (SZ)*: The additional respondents 9 and 10 State of Andhra Pradesh and the Andhra Pradesh Pollution Control Board (APPCB) are impleaded as per order in *I.A. No. 149 of 2021 (SZ)*.

7. The Registry is directed to carry out the amendment in the cause title.

8. The applicant is directed to produce the amended copy of the application.

9. As per order dated 03.09.2021, this Tribunal had considered the reply statements filed by some of the respondents and also considered the newspaper report published in “The New Indian Express”, Chennai Edition dated 02.09.2021 under the caption “*Air Pollution Shortens average Indian life Expectancy by 5.9 years, says report*”. Thereafter, this Tribunal had considered the order passed in respect of State of Kerala in *Original Application No. 76 of 2017 (SZ)* and other connected cases and also considered the directions issued in that case.

10. Thereafter, this Tribunal had directed the respective State Departments to file their proper action plan for implementation of the National Clean Air Programme (NCAP) of the Ministry of Environment, Forests and Climate Change (MoEF& CC) in this regard as in the earlier order it was mentioned that the Central Pollution Control Board (CPCB) in co-ordination with the

State Pollution Control Boards (SPCBs) has to implement the scheme and they are directed the Central Pollution Control Board (CPCB) was directed to expedite the process of finalising the template for preparation of the State action plan for improvement of the air quality.

11. The Tamil Nadu Pollution Control Board (TNPCB) had filed their independent report dated 17.10.2021, e-filed on 08.10.2021 and received on 26.10.2021 which reads as follows:-



**INDEPENDENT REPORT FILED ON BEHALF OF THE RESPONDENT -
TAMIL NADU POLLUTION CONTROL BOARD.**

I, V. Thiagarajan, Son of H. Vaitheeswaran, Hindu, aged about 58 years, having my office at No.76, Mount Salai, Guindy, Chennai - 32, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Deputy Director (Lab), Tamil Nadu Pollution Control Board, and I am filing this affidavit on behalf of the nodal agency namely, TNPC Board as such I am well acquainted with the facts and circumstances of the case from the records available and I am competent to swear this affidavit.

2. It is respectfully submitted that, the Hon'ble National Green Tribunal, Southern Bench, Chennai has passed order dated 29.7.2021 stated inter alia as follows:

"The Central Pollution Control Board and State Pollution Control Boards of Tamil Nadu, Karnataka and Telangana and the respective State Governments

through their Environment Secretary are directed to file independent statements and reports regarding the action taken by them for preparing the State Action Plan as envisaged by in National Clean Air Programme (NCAP) plan Programme and what is the stage of implementation and how it is being effectively monitored and implemented by the respective regulators and if there is any gap what is the action taken by the respective State Governments for filling the gap and fully implement the scheme within the respective States."

3. It is humbly submitted that, the Central Pollution Control Board has informed that, further it has been observed through scientific studies that most of the cities get pollutants (Upto 30%) from outside geographical and administrative boundary of local authority. The NCAP program is being undertaken jointly with primarily ULBs and therefore a comprehensive plan is required for achieving the objective.

4. It is respectfully submitted that, State action plan with monitorable, measurable system so that the policy intervention, activities prioritization shall be known and short, medium and long term activities based on their dependency and complementation can be decided.

5. It is respectfully submitted that, the Central pollution Control Board (CPCB) has identified a list of 102 non-attainment cities and Thoothukudi in Tamil Nadu is one of the non-attainment city (NACs) that have been identified based on the parameter PM_{10} which exceed the annual NAAQs standard of $60\mu g/m^3$. The Hon'ble NGT issued the directions dated 8.10.2018 in O.A. No. 681 of 2018 to prepare and finalize action plan for the Non attainment city, Thoothukudi. It is further informed that, the major source of air pollution at Thoothukudi city, the non-attainment city with

respect to PM10 parameter are road dust, vehicular emission, construction activities, industrial emission etc. TNPCB has prepared and submitted the city specific action plan of Thoothukudi to CPCB on 29.04.2019 according to the instruction of CPCB and same was approved by CPCB on 16.05.2019

6. It is respectfully submitted that the Government of Tamil Nadu, Environment and Forests Department (EC2) vide GO (D) No. 20 dated 10.01.2019 constituted the Air Quality Monitoring Committee (AQMC) under the Chairmanship of the Principle Secretary to the Government, Environment and Forests Department with the following members for the preparation and implementation plan for improving air quality of Thoothukudi (**Annexure I**).

7. It is respectfully submitted that, CPCB has identified Trichy and Madurai as non attainment cities in the year 2019, and 2020 respectively based on the data during the period 2014-2018 and 2015-2019 respectively. In this regard, as per the direction of Hon'ble NGT 681 of 2018, to improve the air quality in the Trichy and Madurai city, Tamil Nadu Pollution control Board has prepared a draft action plan for the abatement of air pollution in Trichy city.

8. Meanwhile, the Central Pollution Control Board has informed that the Fifteenth Finance Commission (FC-XV) 2020-21 allocated a fund of Rs 4400 Crores as grant-in –aid on population basis to the urban local bodies of 42 Million- Plus urban cities to augment actions for air quality improvement for a period of 5 years commencing from 1.4.2020 and

sanctioned a sum of Rs. 233 Crore over a period of 5 years for focused action to reduce air pollution cities in Tamil Nadu which includes Rs. 31, Rs. 21 Cr, for NACs/ Million plus cities Madurai and Trichy respectively and Rs. 181 Cr for Million plus city - Chennai for the abatement of air pollution. In this regard, CPCB has requested TNPCB to prepare city action plan and submit the same in one month. In connection to this, TNPCB in coordination with various line departments has consolidated the city action plan for the air quality improvement and submitted the city action plan of Chennai, Trichy and Madurai on 22.03.2021. After reviewing the final action plan by three member committee for further improvements in the plans, CPCB has issued a letter on 23.03.2021 with conditional approval for revising the action plan according to the general observations made **(Annexure II)**.

9. It is respectfully submitted that, revised city action plans have been prepared by Tamil Nadu Pollution Control Board incorporating the suggestions made by three member committee with respect to PM₁₀ pollution for Chennai U A, Trichy U.A, Madurai U A and the same is under circulation for AQMC members of the following departments

- i. Director of Environment
- ii. Transport Department
- iii. Industries Department
- iv. Agriculture Department
- v. Commissionerate of Municipal Administration
- vi. Principal Secretary, E, CC &F, Government of Tamil Nadu.

10. It is respectfully submitted that the following actions were taken for the mitigation of air pollution in the state of Tamil Nadu:

- i. TNPCB has issued notification No TNPCB/Labs/DD(L)/02151/2019 dated 01.06.2020 on retrofitting of Emission Control Devices/Equipment in DG sets with capacity of 125KVA and above in the state of Tamil Nadu as per the NGT order 681/2018 dated 06.08.2019. The date of Compliance has extended till 31.03.2021 the date of order issued. (**Annexure-III**)
- ii. A MoU between TNPCB and M/s. XD Corporation SA, Switzerland is signed for the preparation detailed project report for establishing a Real Time Air Pollution forecasting by Dynamic Air Quality Control Solution (DACS) software model in the state of Tamil Nadu (**Annexure-IV**)
- iii. In the non-attainment city of Thoothukudi, action has been initiated to increase the green cover by planting 2900 tree sapling to reduce the air pollution (**Annexure-V**).
- iv. To reduce the level of PM_{2.5} Pollutant, action on reduction of sulfur content in diesel and petrol to 0.05% and lower level has been implemented and the reduction in benzene content to 1% in petrol also has also been implemented in the state Tamil Nadu (**Annexure-VI**).
- v. The Government of Tamil Nadu have issued orders on the implementation of Tamil Nadu electric vehicle policy 2019. The

Govt of Tamil Nadu have further issued order that Industrial department as a nodal department for the implementation of all manufacturing related incentives under Tamil Nadu Electric Vehicle, policy 2019. The energy department shall be the nodal department for ensuring that public and private charging stations are provided with all necessary facilitations and incentives. The Transport Department will be the nodal department for issuing guidelines to achieve the other objectives of this policy (**Annexure-VII**).

11. It is respectfully submitted that, for monitoring the ambient air quality in major cities and towns of Tamil Nadu, TNPCB conducts ambient air quality survey at 28 locations under National Air Quality Monitoring Programme (NAMP) under 50:50 funding by CPCB and TNPCB by installing air pollution monitoring equipments. TNPCB has also established additional 24 NAMP stations in the state of Tamil Nadu. The locations are given below.

S. No	City/Town	No of Sample locations	Monitoring parameter and time duration
1	Chennai	8	PM ₁₀ , PM _{2.5} , SO ₂ , NO ₂ 24 hours on alternate days in a week.
2	Coimbatore	3	
3	Madurai	3	
4	Salem	1	
5	Tiruchirappalli	5	
6	Thoothukudi	3	
7	Mettur	2	
8	Cuddalore	3	

9	Sivagangai	3	
10	Theni	3	
11	Nagercoil	3	
12	Thiruvaruar	3	
13	Villupuram	3	
14	Perambalur	3	
15	Dharmapuri	3	
16	Thiruvannamalai*	3	
* Under establishment			

12. It is respectfully submitted that the results of the NAMP Stations are uploaded in EAQDS portal of CPCB. The annual average of Air pollutants Sulfur di oxide (SO₂), Nitrogen di oxide (NO₂), Particulate Matter less than 10 micron size) PM₁₀, Particulate Matter less than 2.5 micron size (PM_{2.5}) during the period April 2016 to March 2021 is given as **annexure VIII**.

13. It is respectfully submitted that, according to the Air (P&CP) Act 1981, entire State of Tamil Nadu has been declared as air pollution control area by the State Government. The objective of air quality monitoring is to provide information on the quality of breathing air to the regulatory bodies and public to take preventive and corrective measures and awareness. Also based on the reports to be generated it is possible to take initiatives for implementation of recommended action plans for abatement of air pollution to maintain the air quality. Government of India has recently launched Air Quality Index (AQI) for which the air quality data of all the areas are required with at least seven to eight of the notified parameters. In

9	Sivagangai	3	
10	Theni	3	
11	Nagercoil	3	
12	Thiruvaruar	3	
13	Villupuram	3	
14	Perambalur	3	
15	Dharmapuri	3	
16	Thiruvannamalai*	3	
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view of the above, it is mandatory to strengthen air quality network in all urban, sub urban and industrial area in the State of Tamil Nadu TNPCB.

14. It is humbly submitted that, In addition to the manual air quality monitoring, the TNPCB has installed nine automatic Continuous Ambient Air Quality Monitoring (CAAQM) stations in the state. These stations are functioning from the year 2016. The sampling locations were selected based on the expected pollution load at that area. These stations monitor Sulfur dioxide (SO₂), Nitrogen dioxide (NO₂), Ammonia (NH₃), Ozone (O₃), Carbon monoxide (CO), Benzene, Toluene, Ethyl benzene, Xylene (BTEX), Particulate matter size less than 10 micron (PM₁₀) Particulate matter size less than 2.5 micron (PM_{2.5}) and wind parameters. TNPCB has commissioned 25 numbers of Stationary Real Time Continuous Ambient Air Quality Monitoring Stations (CAAQMS) in the month of December 2020 (**Annexure IX**) at a total cost of 40 crores with the participation of educational institutions and industries.

15. It is respectfully submitted that, Ministry of Environment Forest and Climate Change (MoEF&CC) has informed that CPCB may pursue with all the States to highlight the necessity of State Action Plan and extend necessary guidance and support in its formulation. The State Action Plan shall have following essential attributes.

- Required Policy interventions
- Regional air shed approach
- State policies for actions requisite for improvement of air quality

- Regulations or amendments in existing regulations for strict enforcement of the actions
- Schemes and incentive programmes for various sectors pertaining to the activities for air quality improvement
- State level initiatives for dust control, waste management, improvement in public transport, augment green transport, use of cleaner fuels, infrastructure development, etc.
- Mechanism for smooth and seamless flow of information, tie funds and inter-departmental co-ordination.
- Timeline, department and fund sources for each of the activities identified in State Action Plan
- Activities which needs to be discussed and get implemented by neighbouring state in the same air shed
- Co-ordination committee composition for co-ordination and abatement of causes for air pollution, at intra and inter district /city or State level. Fund provision for implementation of the identified activities and share of each stakeholder (Department/District authority/ULBs and neighbouring States/ Districts/cities).

16. It is respectfully submitted that the above details are available with the various line departments and in this regard, the following line department are already requested to provide the inputs in the template provided by CPCB for the preparation of guidelines for State Action Plan and the details are awaited (**Annexure-X**).

1. Commissioner of Municipal Administration (CMA)
2. Transport Department
3. Agriculture Department
4. Chennai Metropolitan Development Authority (CMDA)
5. Department of Civil Supplies
6. State Level Coordinators of Oil Companies
7. Department of Highway
8. Department of Environment
9. Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO)
10. Department of Industries
11. Directorate of Town and Country Planning

17. In this regard, it is respectfully submitted that the Central Pollution Control Board has circulated the template for the State Action Plan (SAP) through e-mail on 14.8.2021 and requested to provide inputs/comments on "Template for State Action Plan "as prepared by Ministry of Environment Forests & Climate Change. The template for the preparation of guidelines on State Action Plan is given in (**Annexure-XI**)

18. It is respectfully submitted that after obtaining the guidelines for the preparation of State Action Plan from CPCB, TNPCB may engage a consultant to prepare the state Action plan for further submission to CPCB.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (NGT) may pleased to pass such further and / or

other orders as it deems fit and proper facts and circumstances of this case and thus render justice.

12. It is not clear from the report as to whether they have engaged any consultant for preparing the State action plan, and if so, what is the present status.

13. The Telangana Pollution Control Board (TPCB) had filed their report dated 07.10.2021 e-filed on 12.10.2021 and received on 28.10.2021 which reads as follows:-



3. It is to submit that, Telangana State Pollution Control Board (TSPCB) is monitoring the Ambient Air Quality at 42 locations in the state. As per the Air Quality Index (AQI) developed by Central Pollution Control Board (CPCB) the ambient air quality in Telangana is in the category of satisfactory to moderate most of the times and in good category during the rainy season. Central Pollution Control Board (CPCB) identified four non-attainment cities/ areas in Telangana state where the PM 10 concentrations are exceeding continuously for a period of five years. The details of the non-attainment cities in Telangana are as follows:
1. Hyderabad
 2. Patancheru
 3. Nalgonda
 4. Sangareddy.
4. Government of Telangana in compliance to the Hon'ble NGT orders in OA.No.681/2018 constituted an Air Quality Monitoring Committee for preparation and overseeing the implementation of the action plan for reducing the air-pollution. An action plan is prepared by Telangana for reducing the air pollution in the non-attainment cities and is under implementation as approved by the CPCB through the orders dated 15th April, 2018 (Hyderabad, Patancheru and Nalgonda) and 26th June, 2020 (Sanga reddy).
5. The action plan focuses on the following activities with several action points under each activity. The gist of which is as follows:

source	Action points	Gist of activities initiated
A. Vehicle Emission Control	Launch extensive drive against polluting vehicles	Special drives are conducted on Air pollution regular basis. during the FY-2020-21 total (4681) cases were registered.
	Launch public awareness campaign for air pollution control,	Awareness campaigns were conducted regularly especially during the road safety program, TSPCB initiated pilot project Lane discipline in one traffic junction with zero tolerance.
	Prevent parking of vehicles in the non-designated areas	No parking boards are erected by GHMC. During the FY.2020-21 total 489322 were registered.
	Initiate BS-VI registration when fuels are available	It is being implemented in Hyderabad
	Prepare action plan to check fuel adulteration and random monitoring of fuel	Civil supplies: 259 number of petrol bunks inspected in GHMC. Total 1018 Retail Outlets were inspected and 2661 Samples of Petrol & Diesel were tested by Oil Industry

source	Action points	Gist of activities initiated
	quality data.	during FY 2020-21
	Prepare plan for widening of road and improvement of infrastructure for decongestion of road.	10no.s of construction of roads completed with Rs. 2059.69 lakhs, 18nos of works under progress with Rs.9895 lakhs.
	Prepare plan for construction of express ways/ by-passes to avoid congestion due to non – destined vehicles.	158 KMs of 8 lane expressway developed to avoid the entry of non-destined vehicles into the city
	Steps for promoting battery operated / electric vehicles	100% exemption of the road tax and registration fee for the first 2 lakh two wheelers and 20,000 three wheelers, 5000 LCV passenger vehicles. Framed guidelines in 2017 for registration of E-rickshaw / e-Cart. As per G.O.MS.49, Tr.R&B (Tr.I) Dpt., Dt.07-07-2017, e-rickshaws and e-carts are restricted to ply on National Highways and GHMC limits.
	Synchronizing traffic movements	Identified 150 Nos. Traffic Signals and 104 Nos. Pelican Signals. An Agreement entered with M/s IBI group India Pvt Ltd for Study, Design, Supply, Install, Test, Commission, Operations and Maintenance of City-wide Unified Traffic Signal Control (ATSC) System by GHMC.
	regular calibration of the checking instruments and online integration of PUC	9 PUC centres of Hyderabad already linked to remote server and linking of remaining 237 centres are under progress
	Promotion of Alternate Fuels –	Number of Public Transport vehicles running on CNG -132 and Electric Vehicles 40
	Disincentivising the growth of Vehicles	2% additional registration charges are being levied to deter the purchase of vehicles

source	Action points	Gist of activities initiated
	Restriction of 15 years old vehicles	1).Govt. prohibited 15 year old and above Educational Institution buses, Public Service Vehicles, Stage Carriages and Contract carriages to ply in the area of Hyderabad w.e.f. 1-11-2006. 2). 89,239 diesel vehicles above 15 year old are prohibited for plying. 3) 378 vehicles are scrapped and 161 vehicles are impounded.
	Strengthening of the public transport -Increasing awareness on usage of public transport available – MRTS, MMTS, City buses	2900 city buses are in operation, 130 CNG, 40 Electrical buses. At present 59 Metro Rail Stations spanning over 69 km of length are in operation. The commercial operation from Miyapur to Ameerpet (13 km); and Ameerpet to Nagole (17 km), Ameerpet to LB Nagar (16 km), Ameerpet to Hitec city (10.5 km), Hitec City to Raidurg (1.5 Km), JBS to MGBS (11 Km) commenced.
B).Re- suspension of road dust and other fugitive emissions control:	Prepare plan for creation of green buffers along the traffic corridors	GHMC took numerous steps for creation of green buffers, Total 2.19 Cr plants have been planted during 2020-21 under Telanganaku Haritha Haaram Programme 2020-2021. For the year 2021, action plan is prepared for raising of 1.50 Crores of saplings for the purpose of Plantation under TKHH 2021-22 Programme.
	Maintain pot holes free roads for free-flow of traffic	Greater Hyderabad Municipal Corporation (GHMC) Pot holes are being filled on priority basis. Cumulative pot holes filled are 13326 numbers.
	water fountains	GHMC has installed total 52 fountains in various traffic intersections.
	Greening of open areas, gardens, community places, schools and housing societies.	Necessary Govt. order Issued by GHMC: G.O. Ms. No. 168 MA&UD dated 07/04/2012. Vertical Gardens have been developed in the GHMC Head Office and Zonal offices and (9) Flyover pillars. Vertical gardens at flyovers of Nagole & banjara Hills have been completed in 2 nd quarter.

REPORT OF THE TELANGANA STATE POLLUTION CONTROL BOARD (RESPONDENT No. 8) IN ORIGINAL APPLICATION NO. 159 OF 2021 FILED BY KANAKA DAS, KOLKATA VS UNION OF INDIA, NEW DELHI & OTHERS.,

It is to submit that an Original Application No. 159 of 2021 was filed by Kanaka Das, Kolkata before the Hon'ble NGT, Chennai, regarding implementation of National Clean Air Program (NCAP), which was launched by the MoEF&CC in January 2016, in the States of Telangana, Tamilnadu & Karnataka. The Hon'ble NGT vide order dated 03.09.2021 directed to submit the report from the Official Respondents.

In this regard, the following is submitted: -

1. It is to submit that, the Government of India launched the National Clean Air Program (NCAP) to address the air pollution in a time bound manner. According to the guidance document of NCAP, a State Action Plan (SAP) for addressing the air pollution have to be prepared. As per the NCAP document at Appendix-VI:NCAP agencies and timelines at S.No.1.13 mentions about the State Action Plan for Air Pollution. The following three sub clauses of SAP as per the NCAP document are as follows: -

S. No	Component / Activities	Level for funding	Level for implementation	Agencies	Time lines
1.13.1	A preliminary state action plan for air pollution to be formulated for ll the 23 states, which harbor 102 non-attainment cities	Center	State	SPCB, CPCB & MoEF&CC	2020
1.13.2	SAP for air pollution to be taken up for implementation by the state government and city administration	State	State	State Government	2020
1.13.3	The guidelines for the preparation of the SAP to be formulated	Center	Center	CPCB & MoEF&CC	2020

2. The guidelines are to be formulated by the Centre (MoEF&CC and CPCB) as mentioned at 1.13.3. CPCB communicated the draft guidelines with TSPCB for offering of the comments on the same. The draft guidelines covers actions on the following headings:

Industrial Emissions, Municipal Solid Wastes, Construction and Demolition waste, Road Dust, agricultural waste, vehicular emissions and household

source	Action points	Gist of activities initiated
	Blacktopping of metalled roads, including pavement of road shoulders.	308 no. of BT road works (104.80 kms) with an amount of 107.92 Cr. have been sanctioned. 33 works with an amount of Rs. 23.03 Cr are completed (8.58kms) and the remaining works are under various stages. Cumulative BT length laid till date is 418.03 km
	Regular cleaning of the roads	13 Sweeping machines(SM) have been deployed by CRMP agency and 6877 Kms have been travelled by mechanical sweepers under Comprehensive Road Maintenance Programme (CRMP) during 3 rd quarter(Cumulatively1,98,520Kms have been travelled by MS under CRMP)
(C). Control of emissions from biomass /crop residue /garbage /MSW burning:	drive against open burning of bio-mass, etc.,	IEC & BCC experts have been engaged for developing the awareness program to cover all the stakeholder involved in handling of segregated MSW.
	Regular check and control of burning of municipal solid wastes.	Regular checks and awareness have been conducting on burning of waste. Penalties are being imposed as per the GO.Ms.No27, dated: 10.07.2017
	Proper collection of horticulture waste (bio- mass) and its disposal.	Collection of Horticulture in 406 parks and converting in to Compost through Pit composting and utilizing for gardening and transporting to the Centralized Treatment and Disposal Facility. HMDA: All bio waste producing units like nurseries & parks are provided with compost units. Hence not burning the horticulture waste.
	Ensure ban on burning of agriculture waste.	Notification issued on ban of open burning and regular checking is continued.
D. Control of industrial emissions	Action against non-complying industrial units	All the 17 category industries have installed the Continuous Emission monitoring Systems and are connected with the TSPCB/CPCB server. The industries are monitored and actions against the industries in case of exceedance of the standards are being taken.
	Shifting of polluting industries	Infrastructure facilities have been already developed in all the three industrial parks i.e. Indrakaran, Buchinelly and Rakamcherla and modalities for shifting are under process

source	Action points	Gist of activities initiated
	Ban on polluting industries	No polluting industry is being permitted and strict action is taking against polluting industries. Industries:
(E). Control of air pollution from construction and demolition activities:	Enforcement of Construction & Demolition Rules	Regular inspections are being carried out to enforce the C&D waste management. (231) instances of violations observed and levied a total penalty of Rs. 890500 during FY.2020-21 year.
	Control measures for fugitive emissions from material handling,	As per the conditions laid in Environmental Clearance issued by SEIAA (under category Transport condition No. VII), the same are being followed and insisted while grant of Building Permission for the built-up area above 20,000 Sq.mts. Skilled labor and specialized equipment for housing project. GHMC adopted Wet processing technology, the plant machineries operated within enclosure to restrict fugitive emission. The Concessionaire has installed sprinklers at the unloading bay of Jeedimetla, Hydrocycling facility to restrict the dispersion of dust.
	carriage of construction material in covered vessels.	Concessionaire engaged for the C&D Waste management project transport he C&D waste in tarpaulin covered carriages. Clause included in the concession agreement
(F). Other steps to control Air Pollution:	Air quality index	i. Disseminated through TSPCB portal and through the Electronic Display System at 3 places in the City. 2 more under installation stage. ii. TSAIR App with CAAQMS and RTNMS data display. iii. CO and Noise live display at 3 traffic junctions along with audio message.
	Establish an AQM at SPCB Head	AQM Cell is constituted at TSPCB, Head office.Up gradation of 1 post to Senior Environmental Scientist is approved by the Board for AQM.
	helpline in Hyderabad City for complaints	Compliant can be filed through TSPCB website and TSAIR app. Toll Free Number : 10741
	continual basis for maximising coverage of LPG / PNG for domestic	LPG Penetration in the State of Telangana is 121.46%. 113.63 Lakhs LPG connections which includes Deepam & PMUY connections to almost all BPL families.

source	Action points	Gist of activities initiated
	Monitoring of DG sets	Condition is being incorporated in the consent order for implementation. The units provided the acoustic enclosures with chimneys/ exhaust to the DG Set for control emissions.
	Strengthening of Ambient Air Quality Management	Supply, Installation & Maintenance of 8no. CAAQMS work order awarded and installation will be completed by November.
	Source Apportionment Study (SAS)	TSPCB awarded the study to IIT, Kanpur for an amount of Rs.100.3 crores with a duration of one year and the study will be completed by June, 2022. The study is under progress.
	Emission Inventory(EI)	

The complete action plan for non-attainment cities is available in the website of TSPCB.

6. Further, it is to submit that while the focus is on the non-attainment cities with a higher degree of intensity, most of the action points are being implemented throughout the State.

The following action points are under implementation throughout the State.

S. No	Action point	Sub activities
1	Vehicle emission control	<ul style="list-style-type: none"> • Action against polluting vehicles, • Public awareness on air pollution control, • Regulating parking of vehicles, • Checking for Fuel adulteration, • Widening of road and improvement of infrastructure, • construction of by-pass roads, • Promoting battery operated / electric vehicles – Electric Vehicle Policy is launched with incentives. • calibration of the Pollution Under Control checking instruments, • Promotion of Alternate Fuels – LPG and CNG fuel vehicles are being encouraged. • Disincentivising the growth of Vehicles- 2% additional registration tax for the second vehicle
2	Re- suspension of road dust and other fugitive emissions control	<ul style="list-style-type: none"> • Creation of green buffers - Government of Telangana has taken up a Flag ship program Telangana ku Haritha Haram under which plantation program is being taken up across the state with a target of 2 crore saplings. The program is being continued since the year, 2014. • Maintain pot holes free roads being Implemented by the ULBs at all the places,

S. No	Action point	Sub activities
		<ul style="list-style-type: none"> cleaning of the roads are being carried out by all the ULBs
3	Control of emissions from biomass / crop residue / garbage / MSW burning	Open burning of MSW/ bio-mass – Government of Telangana issued notification banning the open burning through GO.Ms.No27, dated: 10.07.2017
4	Control of Industrial emissions	Action against non-complying industrial units – All the 17 category highly polluting industries have installed the Continuous Emission Monitoring and CAAQMS. These systems are connected directly to the Central Servers of TSPCB and CPCB. Other industries are monitored at regular intervals for checking the compliance. Actions are initiated accordingly.
5	Control of emissions from Construction and Demolition	Enforcement of Construction & Demolition Rules by all the ULBs is under progress and guidelines for providing enclosure for construction to prevent the dust are under implementation. The feasibility of establishing C&D processing facilities on cluster basis is being carried out.
6	Other steps to control Air Pollution	Air quality index is displayed for all the locations monitored by TSPCB, A toll free number 10741 is established by TSPCB along with online portal and also TSAIR app for lodging complaints. Continual basis for maximising coverage of LPG / PNG for domestic consumers

In this regard, it is submitted that the preparation of the State Action Plan will be taken up immediately after the communication of the final action plan templates by the CPCB/MoEF&CC, GoI. The Government of Telangana has already taken several measures as submitted above for mitigation of the air pollution and will update its actions based on the final template communicated by the Central Pollution Control Board duly incorporating the actions already under implementation by the Government and also others as deemed fit for improving the air quality.

14. The report is also not clear about the nature of action taken and also its implementation. It is not clear from the report as to whether they have sent the template circulated by the Central Pollution Control Board (CPCB) and whether any draft action plan has been prepared and sent to the Central

Pollution Control Board (CPCB) and whether it has been approved or what is the nature of action taken by the Central Pollution Control Board (CPCB) on that action plan submitted by them. If they are going to address the general sources of pollution, then what are all the steps they are going to take that is not what they intended by the applicant and also the guidelines given by the Central Pollution Control Board (CPCB) in this regard. It is also not clear as to whether the old Diesel vehicles have been replaced with new green and clean fuel vehicles which is one of the major sources of causing air pollution, which BS-IV- old Diesel Vehicles replaced by BS-VI on the basis of the directions to implement the guidelines of Central Pollution Control Board (CPCB) to implement the National Clean Air Programme (NCAP) on Pan India basis and what is the effect of such implementation in curbing the quality of the air pollution. They are also directed to mention about the present status of the critically polluted area as well as in respect of the Telangana is concerned

15. The State of Andhra Pradesh as well as the Andhra Pradesh Pollution Control Board (APPCB) are also directed to file their statements showing the action plan evolved by them on the basis of the directions given by the Central Pollution Control Board (CPCB) and also by Ministry of Environment, Forests and Climate Change (MoEF &CC) for implementation of National Clean Air Programme (NCAP) on Pan India basis.

16. The State of Tamil Nadu has not filed their independent statement

regarding the action taken by them to implement the National Clean Air Programme (NCAP) in their State. When this was pointed out, the learned counsel appearing for State of Tamil Nadu submitted that if some time is granted they may be able to file the same.

17. The respondents 5 and 6 State of Karnataka/ Karnataka Pollution Control Board (KAPCB) have also not filed their independent statements regarding the steps taken by them for this purpose. When this was pointed out, they wanted some time to file their statements.

18. The Central Pollution Control Board (CPCB) and the other respondents are also directed to file the present status of the implementation of National Clean Air Programme (NCAP) in the respective States and whether the action plans have been prepared by the Central Pollution Control Board (CPCB) and the status of the implementation of the same in the respective States.

19. The respondents are directed to submit a statement regarding the Ambient Air Quality (AAQ) in all the major Districts in their States, as to ascertain the present status of the Ambient Air Quality (AAQ) in their States and whether there is any deterioration caused to the air quality on account of the non-implementation of the directions issued by the Central Pollution Control Board (CPCB) to control the air pollution in those areas. They are not expected to concentrate only on the places where it was declared as critically polluted area by the Central Pollution Control Board (CPCB). They

will have to expand their activity for other areas as well, so as to maintain the air quality as good not even moderate or severe. So they are expected to maintain the air quality at the best for which what are all steps taken by them has to be explained by them before this Tribunal.

20. The Central Pollution Control Board (CPCB) is also directed to file the present status of the submission of templates circulated by them and finalisation of the action plan to be circulated among the States based on the nature of air quality in the respective State and they are also directed to file the statement to this Tribunal before the next hearing date.

21. The above officials are directed to submit the report to this Tribunal on or before 14.12.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules.

22. The Registry is directed to communicate this order to the official respondents including the Central Pollution Control Board, New Delhi, Central Pollution Control Board, Regional Office, Chennai and Bangalore, Chief Secretaries and Principal Secretaries of Environment of State of Tamil Nadu, Karnataka and Telangana, the Chairman, State Pollution Control Boards of Tamil Nadu, Karnataka and Telangana for their information along with the copy of the application so as to enable them to comply with the direction without delay.

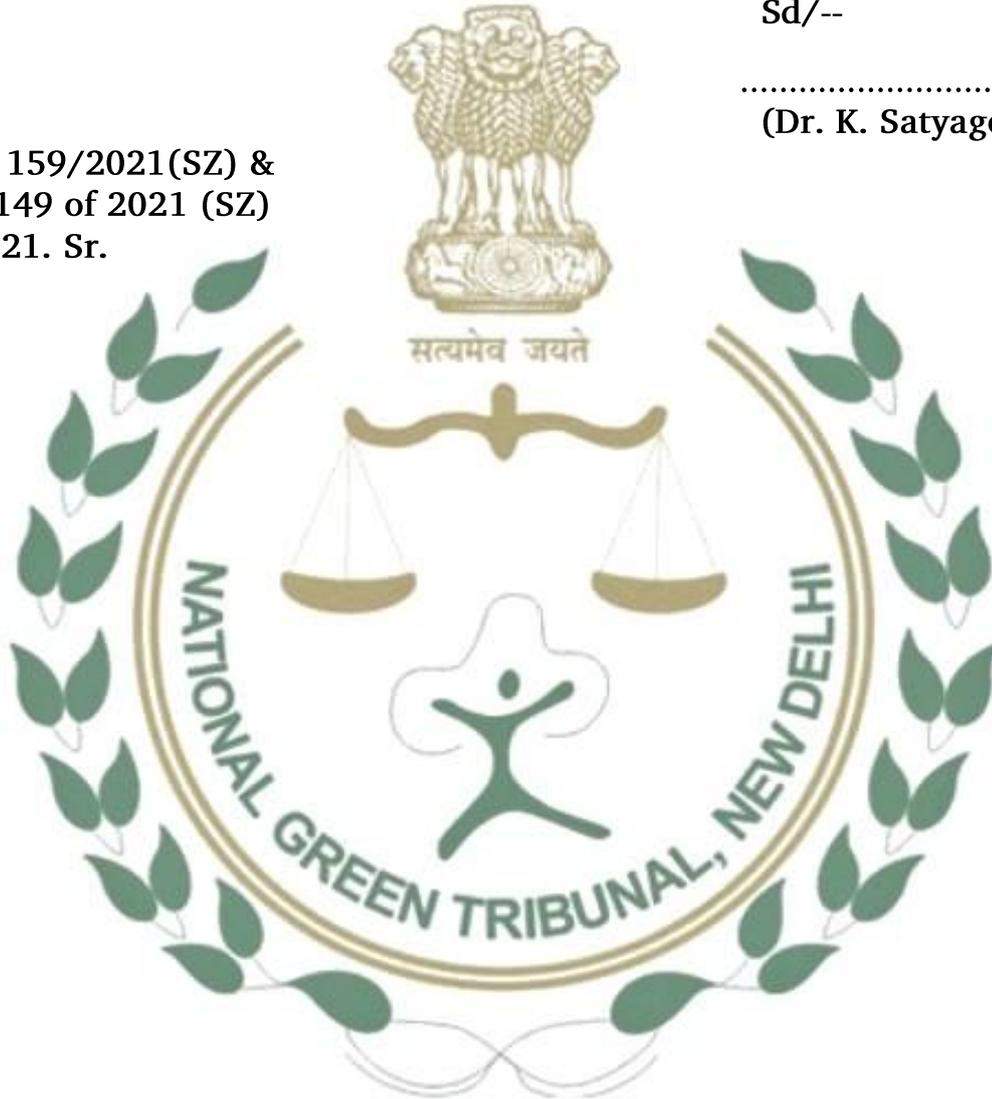
23. For consideration of further status-cum action taken report, post on
14.12.2021.

.....J.M.
(Justice K. Ramakrishnan)

Sd/--

.....E.M.
(Dr. K. Satyagopal)

O.A. No. 159/2021(SZ) &
I.A. No. 149 of 2021 (SZ)
12.11.2021. Sr.



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

Original Application No. 681 of 2018

IN THE MATTER OF:

**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"**

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Dated: 08th October, 2018.

ORDER

1. Proceedings in this matter have been initiated on the basis of a newspaper item dated 03.08.2018 in the Times of India under the heading "*NCAP with multiple timelines to clean air in 102 cities to be released around August 15*"¹. According to the news item, the National Clean Air Programme (NCAP) proposes to reduce pollution in 102 cities where standards of air pollution are in excess in the next 10 years- 35% in next 3 years, 50% in next 5 years and 70-80% in next 10 years.
2. The question that arises for consideration is whether the timeline of 10 years for bringing down pollution levels is in accordance with the mandate of law requiring pollution free environment especially when there is imminent threat to human health as a result of such pollution. According to a survey, 15,000 persons died prematurely in Delhi in the year 2016. Delhi was ranked as third in the list of cities reporting most deaths due to air pollution. Premature deaths in

¹ <https://timesofindia.indiatimes.com/india/ncap-with-multiple-timelines-to-clean-air-in-102-cities-to-be-released-around-august-15/articleshow/65254122.cms>

Mumbai, Kolkata, Bangalore and Chennai are reported to be between 5,000-10,000 in 2016.²

3. 102 cities have been identified as 'Non-attainment cities'. Non-attainment city is the one which does not meet the National Ambient Air Quality Standards (NAAQS). The said standards are prescribed under Section 16 (2) (h) of Air (Prevention and Control of Pollution) Act, 1981, (Air Act, 1981) vide Notification dated 18.11.2009 by the Central Pollution Control Board (CPCB).

4. Serious concerns have been expressed in the last four decades about the need to restore the standards of the air quality, in view of the adverse effect of air pollution on public health. Section 20 of the Air Act, 1981 provides for directions for ensuring standards for emission from automobiles by the State Pollution Control Boards. Section 21 of the Air Act, 1981 requires Consent to Establish (CTE) or operate an industrial plant in air pollution control areas. Conditions for such grant include installation of equipments for control of air pollution, use of specified chimneys and such other conditions as may be necessary. Section 22 provides for control of industrial pollution. State Boards can also seek injunction against air pollution from any source under Section 21-A. Section 31-A empowers a Pollution Board to give directions to close an industrial activity on the ground of pollution. It is, however, well known that the statutory mechanism under the Air Act, 1981 has not been successful in controlling air pollution. The result is that air pollution has been subject matter of consideration by the Hon'ble Supreme Court and other Courts as well as this Tribunal.

²<https://www.ndtv.com/delhi-news/delhis-air-pollution-has-caused-of-death-of-15-000-people-study-1883022>.

5. Directions have been issued by the Hon'ble Supreme Court for control of vehicular pollution³, industrial and construction sector pollution⁴, power sector pollution⁵ and agricultural sector pollution⁶. This Tribunal also dealt with some of such issues.⁷ CPCB has also issued directions under Section 18(1)(b) of the Air Act, 1981 vide letter dated 29.12.2015 regarding prevention, control or abatement of air pollution and improvement of ambient air quality⁸.
6. A Comprehensive Action Plan (CAP) for air pollution control for NCR was prepared in pursuance of order of the Hon'ble Supreme Court dated 06.2.2017 by the Environment Pollution (Prevention and Control) Authority (EPCA) in consultation with the CPCB and DPCC on 05.04.2017.⁹ The said plan also provides for enforcement of Graded Response Action Plan (GRAP) notified by the MoEF&CC on 12.01.2017¹⁰. The GRAP envisages specific steps for different levels of air quality such as improvement in emission and fuel quality and other measures for vehicles, strategies to reduce vehicle numbers, non-motorised transport network, parking policy, traffic management, closure of polluting power plants and industries including brick kilns,

³ M.C. Mehta v. Union of India (1985)2 SCC 431, M.C. Mehta v. Union of India (2001) 3 SCC 756, M.C. Mehta v. Union of India (1998) 6 SCC 63, M.C. Mehta v. Union of India (2002) 3 SCC 356, M.C. Mehta v. Union of India (1998) 6 SCC 60

⁴ M.C. Mehta v. Union of India (1997) 2 SCC 353, M.C. Mehta v. Union of India and Shriram Foods and Fertilizer Industries and Anr. (1986) 2 SCC 235, Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P. (1985) 2SCC 431, Mohd. Haroon Ansari v. District Collector (1998) 6 SCC 60, Union of India v. Union Carbide Co. (1989) 1 SCC 674, M.C. Mehta v. Union of India (1992) 4 SCC 256, Sterlite Industries (India) Ltd. etc. v. Union of India & Ors.(2013) 4SCC 575 , M.C. Mehta v. Union of India (2004) 6 SCC 588, M.C. Mehta v. Kamal Nath (2000)6 SCC 213

⁵ Consumer Education and Research Centre v. Union of India (1995)3 SCC 42, Dahanu Taluka Environment Protection group and Ors. v. Bombay Suburban Electricity Supply Company Ltd. and Ors (1991) 2SCC 539

⁶ Arjun Gopal and Ors v. Union of India and Ors (2017) 16 SCC 280, Dr. B.L Wadhwa v. Union of India and Ors (1996) 2 SCC 594

⁷ Vardhman Kaushik v. Union of India and Ors. O.A no. 21 of 2014, Vikrant Kumar Tongad v. Environment Pollution (Prevention and Control) Authority and Ors, O.A No. 118 of 2013, Satish Kumar v. Union of India and Ors, O.A. No. 56 (T_{HC}) OF 2013, Smt. Ganga Lalwani V. Union of India and Ors. O.A No. 451 of 2018

⁸ p. 38, <http://envfor.nic.in/sites/default/files/NCAP%20with%20annex-ilovepdf-compressed.pdf>

⁹ Report No.71, EPCA-R/2-17/L-21, Comprehensive Action Plan for air pollution control with the objective to meet ambient air quality standards in the National Capital Territory of Delhi and National Capital Region, including states of Haryana, Rajasthan and Uttar Pradesh.

¹⁰ S.O.118(E), Notification, Ministry of Environment, Forest and Climate Change

control of generator sets, open burning, open eateries, road dust, construction dust, etc.

7. The GRAP categorises levels of pollution as severe plus, severe, very poor, moderate to poor. The action to be taken in such situations includes stopping entry of trucks, stopping construction activities, odd and even scheme of private vehicles, shutting of schools, closing of brick kilns, stone crushers, hot mix plants, power plants, intensifying public transport services, mechanised cleaning of road, and sprinkling of water, stopping the use of diesel generator sets, enhancing parking fees, etc. Implementation of prescribed norms in the light of legal provisions and court directions remains a challenge. The consequence is that India is being ranked high in terms of level of pollution compared to many other countries with enormous adverse impact on public health. Most victims are children, senior citizens and the poor.¹¹

8. A chamber meeting was held in this Tribunal on 05.09.2018 to review the situation. The same was attended by all the Members of the Tribunal, representatives of CPCB, Ministry of Road Transport and Highways (MoRTH), Ministry of Petroleum and Natural Gas, Ministry of Environment, Forest and Climate Change (MoEF&CC), Ministry of Agriculture, Cooperation and Farmers Welfare, Ministry of Heavy Industries, States of Haryana, Punjab, Uttar Pradesh and Rajasthan, NCT of Delhi, IIT Delhi, IIT Kanpur and NEERI. In the said meeting, presentation was given by CPCB to the effect that 102 cities have been declared as “non-attainment” cities based on study of data from 2011-2015 and directions were issued by the CPCB to concerned States to

¹¹ <https://www.thehindu.com/sci-tech/energy-and-environment/india-ranks-177-out-of-180-in-environmental-performance-index/article22513016.ece>
<https://www.ndtv.com/delhi-news/delhis-air-pollution-has-caused-of-death-of-15-000-people-study-1883022>

frame city specific action plans. 73 such plans were received. 36 were finalized. 37 are pending. 29 are yet to be submitted.

9. Under the National Ambient Air Quality Monitoring Programme (NAAQM) of the CPCB, renamed as National Air Quality Monitoring Programme (NAMP), air quality data is compiled with reference to notified air standards. Four air pollutants viz. Sulphur Dioxide (SO₂), Oxides of Nitrogen as NO₂, Suspended Particulate Matter (PM₁₀) and fine Particulate Matter (PM_{2.5}) have been identified for regular monitoring at all the locations.¹² In addition to this, there are hundred and one (101) real-time Continuous Ambient Air Quality Monitoring stations (CAAQMS) in 57 cities monitoring 08 pollutants viz. PM₁₀, PM_{2.5}, SO₂, NO_x, Ammonia (NH₃), Carbon Monoxide (CO), Ozone (O₃) and Benzene. PM₁₀ are inhalable coarse particles, which are particles with a diameter between PM_{2.5} and 10 micrometers (µm) and PM_{2.5} are fine particles with a diameter of 2.5 µm or less. Particulates are the deadliest form of air pollutant due to their ability to penetrate deep into the lungs and blood streams unfiltered. The smaller PM_{2.5} are particularly deadly as they can penetrate deeper into the lungs.
10. As already noted, there are 102 non-attainment cities where the air quality is worse than National Ambient Air Quality Standards consecutively in the last five years. The number of cities has increased from 94 identified earlier under the National Air Quality Monitoring Programme (2011-15). The highest number of cities are in Maharashtra (17) followed by Uttar Pradesh (15), Punjab (9), Himachal Pradesh (7), Odisha and Madhya Pradesh (6 each), Assam, Andhra Pradesh and Rajasthan (5 each), Karnataka (4), Bihar, Chhattisgarh and Telangana (3 each), Gujarat, Jammu and Kashmir, Nagaland and Uttarakhand (2 each) and Jharkhand, Delhi, Chandigarh, Meghalaya, Tamil Nadu and West Bengal (1 each).

¹² <http://envfor.nic.in/sites/default/files/NCAP%20with%20annex-ilovepdf-compressed.pdf>

11. The list of 102 cities identified by CPCB with status of parameters exceeded and major sources of pollution are as follows:

State Sl. No	State	Cities Sl. No	Cities	Status	Major Sources of Pollution
1	Andhra Pradesh	1	Guntur	PM10	i. Vehicular Emissions. ii. Road Dust/Re-suspension of dust and other fugitive emission. iii. Air Pollution from Bio-Mass Burning iv. Industrial Air Pollution. v. Air Pollution from Construction and Demolition Activities. vi. DG sets vii. LPG instead of coal in restaurants/dhabas/ road side eateries.
		2	Kurnool	PM10	
		3	Nellore	PM10	
		4	Vijaywada	PM10	
		5	Vishakhapatnam	PM10	
		6	Guwahati	PM10	
		7	Nagaon	PM10	
2	Assam	8	Nalbari	PM10	
		9	Sibsagar	PM10	
		10	Silchar	PM10	
	Bihar	11	Gaya	N.A	
		12	Patna	N.A	
		13	Muzzafarpur	N.A	
3	Chandigarh	14	Chandigarh	PM10	
4	Chhattisgarh	15	Bhillai	PM10	
		16	Korba	PM10	
		17	Raipur	N.A	
5	Delhi	18	Delhi	PM10, NO2	
6	Gujarat	19	Surat	PM10	
		20	Amedabad	N.A	
		21	Baddi	PM10	
		22	Damtal	PM10	
		23	Kala Amb	PM10	
7	Himachal Pradesh	24	Nalagarh	PM10	
		25	Paonta-Sahib	PM10	
		26	Parwanoo	PM10	
		27	Sunder Nagar	PM10	
8	Jammu & Kashmir	28	Jammu	PM10	
		29	Srinagar	N.A	
9	Jharkhand	30	Dhanbad	PM10	
10	Karnataka	31	Bangalore	PM10	
		32	Devanagere	PM10	
		33	Gulburga	PM10	
		34	Hubli-Dharwad	PM10	
		35	Bhopal	PM10	
		36	Dewas	PM10	

State Sl. No	State	Cities Sl. No	Cities	Status	Major Sources of Pollution
11	Madhya Pradesh	37	Indore	PM10	i. Vehicular Emissions. ii. Road Dust/Re-suspension of dust and other fugitive emission. iii. Air Pollution from Bio-Mass Burning iv. Industrial Air Pollution. v. Air Pollution from Construction and Demolition Activities. vi. DG sets. vii. LPG instead of coal in restaurants/dhabas/ road side eateries.
		38	Sagar	PM10	
		39	Ujjain	PM10	
		40	Gwalior	N.A	
		41	Akola	PM10	
		42	Amravati	PM10	
		43	Aurangabad	PM10	
		44	Badlapur	PM10, NO2	
		45	Chandrapur	PM10	
		46	Jalgaon	PM10	
		47	Jalna	PM10	
12	Maharashtra	48	Kolhapur	PM10	
		49	Latur	PM10	
		50	Mumbai	PM10	
		51	Nagpur	PM10	
		52	Nashik	PM10	
		53	Navi Mumbai	PM10	
		54	Pune	PM10, NO2	
		55	Sangli	PM10	
		56	Solapur	PM10	
57	Ulhasnagar	PM10, NO2			
13	Meghalaya	58	Byrnihat	PM10	
14	Nagaland	59	Dimapur	PM10	
		60	Kohima	PM10	
15	Orissa	61	Angul	PM10	
		62	Balasore	PM10	
		63	Bhubneshwar	PM10	
		64	Cuttack	PM10	
		65	Rourkela	PM10	
		66	Talcher	PM10	
		67	Amritsar	N.A	
		68	DeraBassi	PM10	
		69	Gobindgarh	PM10	
70	Jalandhar	PM10			

State Sl. No	State	Cities Sl. No	Cities	Status	Major Sources of Pollution
16	Punjab	71	Khanna	PM10	i. Vehicular Emissions. ii. Road Dust/Re-suspension of dust and other fugitive emission. iii. Air Pollution from Bio-Mass Burning iv. Industrial Air Pollution. v. Air Pollution from Construction and Demolition Activities. vi. DG sets. vii. LPG instead of coal in restaurants/ dhabas/ road side eateries.
		72	Ludhiana	PM10	
		73	NayaNangal	PM10	
		74	Pathankot/Dera Baba	PM10	
		75	Patiala	PM10	
		76	Alwar	PM10	
		77	Jaipur	PM10	
17	Rajasthan	78	Jodhpur	PM10	
		79	Kota	PM10	
		80	Udaipur	PM10	
18	Tamil Nadu	81	Tuticorin	PM10	
19	Telangana	82	Hydrabad	PM10	
		83	Nalgonda	PM10	
		84	Patencheru	PM10	
		85	Agra	PM10	
		86	Allahabad	PM10	
		87	Anpara	PM10	
		88	Bareilly	PM10	
		89	Firozabad	PM10	
		90	Gajraula	PM10	
		20	Uttar Pradesh	91	Ghaziabad
92	Jhansi			PM10	
93	Kanpur			PM10	
94	Khurja			PM10	
95	Lucknow			PM10	
96	Muradabad			PM10	
97	Noida			PM10	
98	Raebareli			PM10	
99	Varanasi			PM10	
21	Uttarakhand	100	Kashipur	PM10	
		101	Rishikesh	PM10	
22	West Bengal	102	Kolkata	PM10, NO2	

12. The above chart shows that major violation of standard is of “PM₁₀” and identified sources are vehicular, industrial, biomass burning, road dust, construction and demolition, DG sets and road side eateries. The action plan proposed by the CPCB¹³ with the timeline is as follows:

Action Plan:				
	Action	Implementati on period (Short/ Mid /Long-term)	Time target for Implement ation	Responsible agency (ies)
Source group	1. Restriction on plying and phasing out of 15 years old commercial diesel driven vehicles.	Mid	Dec. 18	Transport Department
Vehicles	2. Introduction of cleaner fuels (CNG/LPG) for vehicles.	Mid	June, 18	Transport Department & Oil companies
	3. Regular checking of vehicular emission and issue of Pollution under Control Certificate (PUC).	Short	March, 18	Transport Department & Traffic Police
	4. Good traffic management including re-direction of traffic movement to avoid.	Mid	July, 18	Traffic Police
	5. Ban on registration of Diesel driven auto-rickshaw /Tempo.	Short	April, 18	Transport Department
	6. Promotion and operationalization of E-rickshaw.	Mid	June, 18	Transport Department
	7. Development of Multi-layer parking.	Long	Dec. 18,	MC, UD&HD & District Adm
	8. Retrofitting of particulate filters in diesel driven vehicle.	Mid	Dec. 18	Transport Department
	9. Checking of fuel adulteration	Short	April, 18	District Adm & Oil Company
	10. Monitoring on vehicle fitness.	Short	April, 18	Transport Department & Traffic Police
	11. Periodic calibration test of vehicular emission monitoring instrument	Short	April, 18	SPCB & Transport Department
	Road Dust	1. Regular cleaning of road dust.	Short	April, 18

¹³presented by CPCB in chamber meeting at NGT on 05.09.2018

	2. Water spraying on road through tankers	Mid	April, 18	MC
	3. Construction of pucca pavement along the roads.	Long	Dec. 18	MC and Road Construction Department
	4. Tree plantation along the roads.	Long	Aug. 19	Department of Environment and Forest
	5. Development of green belt in open areas, gardens, parks/ community places, schools & housing societies.	Long	Aug. 19	Department of Environment and Forest
	6. Introduction of water fountains at major traffic intersection/ Golambar/circle.	Long	Aug.19	MC
Construction activities	1. Covering of construction site.	Short	April, 18	Building Construction Department and MC.
	2. Transportation of construction materials like sand, soil, stone chips etc. in covered system.	Short	April, 18	Transport Department District Adm. & Traffic Police.
	3. Restriction on storage of construction materials along the road.	Short	April, 18	MC
Biomass and garbage burning	1. Restriction on open burning of municipal solid waste, Biomass, plastic horticulture waste etc.	Short	March, 18	MC
	2. Immediate lifting of solid wastes generated from de-silting and cleaning of municipal drains for its disposal.	Short	April, 18	MC
	3. Transportation of municipal solid wastes, construction materials and debris in covered system.	Short	April, 18	MC
	4. Ensuring promotion & use of cleaner fuel for commercial purposes like local Dhaba/eateries	Long	Dec.19	District Adm. & Oil Company
Industries	1. Ensuring installation and operation of air pollution control devices in industries	short	April, 18	SPCB
	2. Ensuring emission standards in industries	short	April, 18	SPCB

	3. Adoption of cleaner technology in brick kilns at five blocks of City Name Viz. city Name Sadar, Danapur, Phulwarisharif, Maner and Fatuha by 31.08.2018	Mid	Aug. 18	SPCB
	4. Shifting of polluting industries,	Long	Dec. 19	SPCB & Industry Department
	5. ban on polluting industries	Short	April, 18	SPCB & Industry Department
Strengthening of AAQ monitoring	1. Installation of four CAAQMS at City Name A. Two CAAQMS stations under CSR funds of CPSU through Central Pollution Control Board at Eco-Park and IGIMS, City Name premise. b. Two CAAQM stations under State Govt. financial assistance	Mid	Aug. 18	SPCB
	2. Source appointment study	Mid	Dec. 18	SPCB
Public Awareness	1. Issue of advisory to public for prevention and control of air pollution	Short	April, 18	SPCB & SDMA
	2. Involvement of school and other academic institution in awareness program	Mid	Aug. 18	SPCB
Others	1. Compliance of guidelines on D.G. sets and action against violation	Short	April, 18	SPCB & MC
	2. Help line to oversee non compliances on aforesaid issues.	Short	April, 18	SPCB & MC

13. The data of non-attainment cities is a matter of concern. Though, the MoEF&CC has announced NCAP, as noted earlier, the timeline for bringing down the pollution by 70-80% in next 10 years does not meet the mandate of law. The time line has to be revised. As per some studies, India ranks 177 out of 180 countries in Environmental Performance Index.¹⁴

¹⁴ <https://www.thehindu.com/sci-tech/energy-and-environment/india-ranks-177-out-of-180-in-environmental-performance-index/article22513016.ece>

14. We are thus of the view that emergent measures are required to check sources of air pollution. Once the standards have been laid down in the statutory provisions of the Air Act, 1981, all the authorities as well as citizens are statutorily bound to follow the said standards.
15. Accordingly, we consider it appropriate to take cognizance of the alarming situation and issue directions as follows:
- i. All the States and Union Territories with non-attainment cities must prepare appropriate action plans within two months aimed at bringing the standards of air quality within the prescribed norms within six months from date of finalization of the action plans.
 - ii. The Action Plans may be prepared by six-member committee comprising of Directors of Environment, Transport, Industries, Urban Development, Agriculture and Member Secretary, State Pollution Control Board or Committee of the concerned State. The Committee may be called Air Quality Monitoring Committee (AQMC). The AQMC will function under the overall supervision and coordination of Principal Secretary, Environment of the concerned State/Union Territory. This may be further supervised by the Chief Secretaries concerned or their counterparts in Union Territories by ensuring intra-sectoral co-ordination.
 - iii. The Action Plans may take into account the GRAP, the CAP and the action plan prepared by CPCB as well as all other relevant factors. The Action Plans may be forwarded to the CPCB by 31.12.2018. The same may be placed before the Committee as directed in direction no. vi. The Action Plan will include components like identification of source and its apportionment considering sectors like vehicular pollution, industrial pollution, dust pollution, construction activities, garbage burning, agricultural pollution including pollution caused by burning of crop residue, residential and indoor pollution etc. The action plan

shall also consider measures for strengthening of Ambient Air Quality (AAQ) monitoring and steps for public awareness including issuing of advisory to public for prevention and control of air pollution and involvement of schools, colleges and other academic institutions and awareness programmes.

- iv. The Action Plan will indicate steps to be taken to check different sources of pollution having speedy, definite and specific timelines for execution.
- v. The Action Plan should be consistent with the carrying capacity assessment of the non-attainment cities in terms of vehicular pollution, industrial emissions and population density, extent of construction and construction activities etc. The carrying capacity assessment shall also lay emphasis on agricultural and indoor pollution in rural areas. Depending upon assessed carrying capacity and source apportionment, the authorities may consider the need for regulating number of vehicles and their parking and plying, population density, extent of construction and construction activities etc. Guidelines may accordingly be framed to regulate vehicles and industries in non-attainment cities in terms of carrying capacity assessment and source apportionment.
- vi. The Committee comprising of (a) Shri. Prashant Gargava, Member Secretary, CPCB, (b) Dr. Mukesh Khare, Professor, IIT Delhi, and (c) Dr. Mukesh Sharma, Professor, IIT Kanpur shall examine the Action Plans and on the recommendations of the said Committee, the Chairman, CPCB shall approve the same by 31.01.2019.
- vii. The Chief Secretaries of the State and Administrators/ Advisors to Administrators of the Union Territories will be personally accountable for failure to formulate Action Plans, as directed.
- viii. The CPCB, SPCBs and State Pollution Control Committees shall develop a public grievance redressal portal for redressal of public

complaints on air pollution along with a supervisory mechanism for its disposal in a time bound manner. Any visible air pollution can be reported at such portal by email/SMS.

- ix. The CPCB and all the State Pollution Control Boards and Pollution Control Committees shall collectively workout and design a robust nationwide ambient air quality monitoring programme in a revised format by strengthening the existing monitoring network with respect to coverage of more cities/towns. The scope of monitoring should be expanded to include all twelve (12) notified parameters as per Notification No B-29016/20/90/PCI-L dated 18th November, 2009 of CPCB. The continuous Ambient Air Quality Monitoring Stations (AAQMS) should be preferred in comparison to manual monitoring stations. The CPCB and States shall file a composite action plan with timelines for its execution which shall not be more than three months. It is expected that all such AAQMS shall be connected to central server of CPCB for reporting analysis of results in a form of Air Quality Bulletin for general public at regular intervals atleast on weekly basis and ambient air quality on continuous basis on e-portal. MoEF&CC will provide requisite funds for the purpose. MoEF&CC in consultation with Ministry of Housing and Urban Affairs, MoRTH, Ministry of Petroleum and Natural Gas, Ministry of Agriculture, Cooperation and Farmers Welfare or any other Ministry to lay down such guidelines as may be considered necessary for improvement of air quality in the country.

16. A copy of this be sent by e-mail to all the concerned i.e. Ministries of Environment, Forest & Climate Change, Housing and Urban Affairs, Road Transport and Highway, Agriculture, Petroleum and the Chief Secretaries of all the States and Union Territories for compliance.

17. We understand that some of the Zonal Benches of the National Green Tribunal have also passed directions on the subject of Ambient Air Quality and the States in those Zones are in the process of implementation of such directions. Specific reference may be made in this regard to judgement dated 11.08.2016 in O.A No. 33/2018/EZ in the matter of *Subhas Datta v. State of West Bengal & Ors.* We make it clear that this order shall not be considered as an impediment to those actions but as an addition or supplement thereto for achieving the object of this order at the macro level and of the said order at the micro level in the concerned cities.
18. Needless to say, that order of National Green Tribunal is binding as a decree of Court and non-compliance is actionable by way of punitive action including prosecution, in terms of the National Green Tribunal Act, 2010.
19. The CPCB may compile the data and furnish the same to this Tribunal by email at filing.ngt@gmail.com on or before 15.2.2019.
20. Put up for consideration in the last week of February, 2019.

....., CP
(Adarsh Kumar Goel)

.....,JM
(Dr. Jawad Rahim)

.....,JM
(S.P. Wangdi)

.....,EM
(Dr. Nagin Nanda)

New Delhi
October, 08, 2018

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**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Environment, Forests, Science & Technology Department – Orders of Hon'ble National Green Tribunal, Principal Bench, New Delhi in O.A.No.681/2018, dated 08.10.2018 – Constitution of Air Quality Monitoring Committee to prepare the action plan in Non-attainment cities in A.P.– Orders - Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (SEC.I) DEPT.,

G.O.Rt.No.167

Dated:14-11-2018

Read the following:

1. Orders of Hon'ble National Green Tribunal, Principal Bench, New Delhi in O.A.No.681/2018, dated 08.10.2018.
2. From the Member Secretary, APPCB, Lr.No. APPCB-12025/1/2018-SS-CLAPPCB- 1191, Dt. 26.10.2018.

&&&

ORDER:

In the reference 2nd read above, the Member Secretary, APPCB reported that the Hon'ble National Green Tribunal, New Delhi issued the Orders against the news paper item, dated 03.08.2018 in the Times of India under the title "NCAP with multiple time lines to clean air in 102 cities to be released around August 15", and issued certain directions to control ambient air pollution in the non-attainment cities and towns of India vide reference 1st read above.

2. The Hon'ble NGT, New Delhi has ordered in O.A.No.681/2018, dated 08.10.2018 as follows:

- a. All the States and Union Territories with non-attainment cities must prepare appropriate action plans within two months aimed to bring down the air pollution levels to the prescribed norms within six months from the date of finalization of action plans.
- b. Action plans may be prepared by six-member Committee comprising of Directors of Environment, Transport, Industries, Urban Development, Agriculture and Member Secretary, State Pollution Control Board or Committee of the concerned State. The Committee may be called Air Quality Monitoring Committee (AQMC).
- c. The Committee will function under the overall supervision and coordination of Principal Secretary, Environment of the concerned State or the Union Territory. This may be further supervised by the Chief Secretaries concerned or their counter parts in Union Territories by ensuring intra-sectorial coordination.
- d. The action plan will indicate steps to be taken to check different sources of pollution having speedy, definite and specific timelines for execution.
- e. The action plans thus prepared may be forwarded to CPCB by 31.12.2018 for examination and approval.

2. The Member Secretary, APPCB has requested to constitute a six member Air Quality Monitoring Committee (AQMC) comprising of Directors of Environment, Transport, Industries, Urban Development, Agriculture and Member secretary, State Pollution Control Board, at the earliest for preparation / revision of Action Plans for the five non-attainment cities of Andhra Pradesh i.e., Visakhapatnam, Vijayawada, Guntur, Nellore & Kurnool and to oversee the implementation of the action plan points in a time bound manner.

3. In compliance of the orders of the National Green Tribunal, Principal Bench, New Delhi, after careful examination of the matter, the Government hereby constitute the Air Quality Monitoring Committee with the following composition:-

Sl.No.	Member of the Committee	Designation
1	Commissioner, Transport	Member
2	Commissioner, Industries	Member
3	Commission & Director, MA&UD	Member
4	Commissioner & Director, Agriculture	Member
5	Member Secretary, APPCB	Member Convener
6	Special Secretary to Government Environment, Forest, Science & Technology Department	Member

4. The senior most member of the Committee is the Chairman of the Air Quality Monitoring Committee. The Committee shall perform the functions as ordered by the Hon'ble NGT in O.A.No.681/2018, dated 08.10.2018 and furnish the action plan to Govt., within one month or 10.12.2018 whichever is earlier.

5. The Member Secretary, A.P. Pollution Control Board shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**G. ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Commissioner, Transport, Vijayawada Rd, Punammathota, Labbipet, Vijayawada, Andhra Pradesh 520010,
The Commissioner, Industries, First Floor Government Regional Printing Press Buildings, Mutyalampadu St, Vijayawada, 520011,
The Commission & Director, MA&UD, Guntur, Andhra Pradesh 522034.
The Commissioner & Director, Agriculture, Old Mirchi Yard, Nallapadu Road, Chuttagunta, Guntur -522004,
The Special Secretary to Government, EFS & T Dept., A. P. Secretariat,
The Member Secretary, APPCB, Vijayawada.
The Member Secretary, Central Pollution Control Board, New Delhi.

Copy to:

The PS to CS

The PS to Principal Secretary, EFS&T/ MA&UD/ T R&B/ Industries/
Agriculture & Co-Operation Dept.,

//FORWARDED:: BY ORDER//

G. Anantha Ramu
SECTION OFFICER



ANDHRA PRADESH POLLUTION CONTROL BOARD

D.No 33-26-14/ D/2, Near Sunrise Hospital, Pushpa Hotel Center, Chalamalavari Street,
Kasturibaipet, Vijayawada - 520 010.

Office : 0866-2463200

: 0866-2436216 / 17

Website : www.appcb.ap.nic.in

Lr. No. APPCB-12025/1/2018-SS-CL-APPCB

Date:22.04.2019.

To

- | | |
|---|--|
| 1 The Commissioner,
Industries Department,
1 st Floor, Government Regional Printing
Press Buildings, Mutyalampadu,
Vijayawada. | 2 The Commissioner and
Director of Municipal Administration,
Sri Krishna Enclave,
Annapurnanagar, 5 th Lane, Gorantla,
Guntur Dist – 522 034. |
| 3 The Commissioner and Director,
Agriculture Department,
Old Mirchi Yard, Nallapadu Road,
Chuttagunta, Guntur – 522004. | 4 The Commissioner,
Civil Supplies Department, Ashok Nagar,
Bandar Road, Vijayawada. |
| 5 The Director General of Police,
Kolanukonda, Mangalagiri,
Guntur District. | 6 The Commissioner,
Transport Department,
M G Road, Punnamithota, Labbipet,
Vijayawada – 520010. |
| 7 The Special Secretary,
E.F.S & T Department,
Govt. of Andhra Pradesh,
A.P. Secretariat, Velagapudi,
Amaravathi. | |

Sir,

//Important – Hon'ble NGT Orders follow up//

Sub: APPCB – LAB – Hon'ble National Green Tribunal Order in O.A. No. 681/2018 on non-attainment cities on Air Pollution – Action plans - Central Pollution Control Board directions communicated – Reg.

- Ref:**
1. Hon'ble National Green Tribunal Order, dated 08.10.2018 in O.A. No. 681/2018.
 2. Environment, Forests, Science & Technology Department, Govt. of Andhra Pradesh G.O. Rt. No. 167, dated 14.11.2018.
 3. APPCB Lr. No. APPCB-12025/1/2018-SS-CL-APPCB-1738, dated 31.01.2019.
 4. CPCB Lr. No. AQM/AP/2019-20, dated 15.04.2019 received through mail dated 16.04.2019.

With reference to the 1st & 2nd cited above, the Air Quality Monitoring Committee (AQMC) has in its meeting on 08.01.2019 approved the action plans for control of air pollution in the five non-attainment cities of Andhra Pradesh namely, Visakhapatnam, Vijayawada, Guntur, Nellore and Kurnool. These action plans have been communicated to Central Pollution Control Board (CPCB) on 24.01.2019 for approval. These city wise action plans have also been communicated to the concerned stakeholder departments for implementation, vide reference 3rd cited above.

It is further informed that CPCB has approved these action plans with certain recommendations and directed under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 to implement the city action plan and to submit the progress report to CPCB on quarterly basis, vide reference 4th cited.

A copy of the CPCB directions along with the recommendations made on the action plans for the five non-attainment cities is herewith communicated for implementation.

Encls: As above.

Yours sincerely,


22.4.19
CHAIRMAN

Copy to:

1. The Principal Secretary, Environment, Forests, Science & Technology Dept., A P Secretariat, 4th Block, Velagapudi, Amaravathi for favour of kind information and necessary action.
2. The Principal Secretary, Municipal Administration & Urban Development Dept., A P Secretariat, 2nd Block, Velagapudi, Amaravathi for favour of kind information and necessary action.
3. The Special Chief Secretary, Transport Department, 5th Block, A P Secretariat, Velagapudi, Amaravathi for favour of kind information and necessary action.
4. The Principal Secretary, Department of Home, 2nd Block, A.P. Secretariat Office, Velagapudi, Amaravathi for favour of kind information and necessary action.
5. The Special Chief Secretary, Agriculture & Co-operation Department, 4th Block, A P Secretariat, Velagapudi, Amaravathi for favour of kind information and necessary action.
6. The Principal Secretary, Civil Supplies Department, 5th Block, A.P Secretariat Office, Velagapudi, Amaravathi for favour of kind information and necessary action.
7. The Additional Director General of Police, Road safety, Kolanukonda, Mangalagiri, Guntur District for favour of information and necessary action.

8. The District Collector & Magistrate, Visakhapatnam District, for favour of information and necessary action.
9. The District Collector & Magistrate, Krishna District, for favour of information and necessary action.
10. The District Collector & Magistrate, Guntur District, for favour of information and necessary action.
11. The District Collector & Magistrate, Nellore District, for favour of information and necessary action.
12. The District Collector & Magistrate, Kurnool District, for favour of information and necessary action.
13. The Commissioner, Greater Visakha Municipal Corporation, Visakhapatnam, Visakhapatnam District, for favour of information and necessary action.
14. The Commissioner, Municipal Corporation, Vijayawada, Krishna District, for favour of information and necessary action.
15. The Commissioner, Municipal Corporation, Kurnool, Kurnool District, for favour of information and necessary action.
16. The Commissioner, Municipal Corporation, Guntur, Guntur District, for favour of information and necessary action.
17. The Commissioner, Municipal Corporation, Nellore, Nellore District, for favour of information and necessary action.
18. The Commissioner of Police, Visakhapatnam, Visakhapatnam District, for favour of information and necessary action.
19. The Commissioner of Police, Vijayawada, Krishna District, for favour of information and necessary action.
20. The Superintendent of Police, Guntur city / Urban, Guntur District, for favour of information and necessary action.
21. The Superintendent of Police, Nellore, Nellore District, for favour of information and necessary action.
22. The Superintendent of Police, Kurnool, Kurnool District, for favour of information and necessary action.
23. The Deputy Commissioner, Transport Department, Visakhapatnam, Visakhapatnam District, for information and necessary action.

24. The Deputy Commissioner, Transport Department, Vijayawada, Krishna District, for information and necessary action.
25. The Deputy Commissioner, Transport Department, Guntur, Guntur District, for information and necessary action.
26. The Deputy Commissioner, Transport Department, Nellore, Nellore District, for information and necessary action.
27. The Deputy Commissioner, Transport Department, Kurnool, Kurnool District, for information and necessary action.
28. The District Civil Supplies Officer, Visakhapatnam District, for information and necessary action.
29. The District Civil Supplies Officer, Krishna District, for information and necessary action.
30. The District Civil Supplies Officer, Guntur District, for information and necessary action.
31. The District Civil Supplies Officer, Nellore District, for information and necessary action.
32. The District Civil Supplies Officer, Kurnool District, for information and necessary action.
33. The Environmental Engineer, Regional Office, A P Pollution Control Board, Visakhapatnam / Vijayawada / Guntur / Nellore / Kurnool, for continuous persuasion with the concerned stakeholder departments / organizations.
34. The Joint Chief Environmental Engineer, Zonal Office, A P Pollution Control Board, Visakhapatnam / Vijayawada / Kurnool, for continuous persuasion with the concerned stakeholder departments / organizations.
35. The Joint Chief Environmental Engineer, Unit-II Section, Head Office, A P Pollution Control Board, Vijayawada for information and necessary action.

Item No. 08

Court No. 1

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

Original Application No. 681/2018

News item published in "The Times of India" Authored by Shri Vishwa Mohan Titled "NCAP with multiple timelines to clean air in 102 cities to be released around August 15"

Date of hearing: 15.03.2019

**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 Respondent (s): Mr. Rajkumar, Advocate for CPCB

ORDER

1. The issue for consideration is the remedial measures to be taken to bring the air quality of 102 cities identified as 'non-attainment cities', which do not meet the National Ambient Air Quality Standards (NAAQS), prescribed under Section 16(2)(h) of the Air (Prevention and Control of Pollution) Act, 1981.
2. The matter was considered by this Tribunal on the administrative side on 05.09.2018 and thereafter by way of a judicial order dated 08.10.2018 in light of news item mentioned above.
3. The Tribunal noticed the reports that there are large number premature deaths on account of air pollution

and other diseases. As per survey in the year 2016, premature deaths in Delhi are reported to be 15000. Premature deaths in Mumbai, Kolkata, Bangalore and Chennai are reported to be between 5,000-10,000 in 2016¹. The Tribunal also noted the directions of the Hon'ble Supreme Court on control of vehicular pollution², industrial and construction sector pollution³, power sector pollution⁴ and agricultural sector pollution⁵. Notice was also taken of Comprehensive Action Plan (CAP) for air pollution control. It provides for Graded Response Action Plan (GRAP) envisaging specific steps for different levels of air quality. Strategies include reducing number of vehicles, traffic management, closing of polluting power plants and polluting industries, control of DG sets, stopping open burning, use of coal/wood open eateries, road dust, construction dust, entry of trucks, stopping construction activities, odd and even scheme for private

¹<https://www.ndtv.com/delhi-news/delhis-air-pollution-has-caused-of-death-of-15-000-people-study-1883022>.

² M.C. Mehta v. Union of India (1985)2 SCC 431, M.C. Mehta v. Union of India (2001) 3 SCC 756, M.C. Mehta v. Union of India (1998) 6 SCC 63, M.C. Mehta v. Union of India (2002) 3 SCC 356, M.C. Mehta v. Union of India (1998) 6 SCC 60

³ M.C. Mehta v. Union of India (1997) 2 SCC 353, M.C. Mehta v. Union of India and Shriram Foods and Fertilizer Industries and Anr. (1986) 2 SCC 235, Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P. (1985) 2SCC 431, Mohd. Haroon Ansari v. District Collector (1998) 6 SCC 60, Union of India v. Union Carbide Co. (1989) 1 SCC 674, M.C. Mehta v. Union of India (1992) 4 SCC 256, Sterlite Industries (India) Ltd. etc. v. Union of India & Ors.(2013) 4SCC 575 , M.C. Mehta v. Union of India (2004) 6 SCC 588, M.C. Mehta v. Kamal Nath (2000)6 SCC 213

⁴ Consumer Education and Research Centre v. Union of India (1995)3 SCC 42, Dahanu Taluka Environment Protection group and Ors. v. Bombay Suburban Electricity Supply Company Ltd. and Ors (1991) 2SCC 539

⁵ Arjun Gopal and Ors v. Union of India and Ors (2017) 16 SCC 280, Dr. B.L Wadhwa v. Union of India and Ors (1996) 2 SCC 594

vehicles, shutting of schools, closing of brick kilns, stone crushers, hot mix plants, power plants, intensifying public transport services, mechanised cleaning of road, sprinkling of water, stopping the use of diesel generator sets. The Tribunal noted that the Central Pollution Control Board (CPCB) has dealt with National Ambient Air Quality Monitoring Programme (NAAQM) with reference to notified air quality standards.

4. Accordingly, all the States and Union Territories with non-attainment cities were directed to prepare action plans to bring the air quality upto the prescribed norms. The action plans were to be forwarded by 31.12.2018 to the CPCB to be evaluated by a Committee constituted by the Tribunal. The Chief Secretaries of all the States and Administrators/Advisors of Union Territories were to be personally accountable. The CPCB and State PCBs were to work out and design National Ambient Air Quality Monitoring Programme and to be connected to the central server of CPCB. The directions are:

“15. Accordingly, we consider it appropriate to take cognizance of the alarming situation and issue directions as follows:

- i. All the States and Union Territories with non-attainment cities must prepare appropriate action plans within two months aimed at bringing the standards of air*

quality within the prescribed norms within six months from date of finalization of the action plans.

- ii. The Action Plans may be prepared by six-member committee comprising of Directors of Environment, Transport, Industries, Urban Development, Agriculture and Member Secretary, State Pollution Control Board or Committee of the concerned State. The Committee may be called Air Quality Monitoring Committee (AQMC). The AQMC will function under the overall supervision and coordination of Principal Secretary, Environment of the concerned State/Union Territory. This may be further supervised by the Chief Secretaries concerned or their counterparts in Union Territories by ensuring intra-sectoral co-ordination.
- iii. The Action Plans may take into account the GRAP, the CAP and the action plan prepared by CPCB as well as all other relevant factors. The Action Plans may be forwarded to the CPCB by 31.12.2018. The same may be placed before the Committee as directed in direction no.
- iv. The Action Plan will include components like identification of source and its apportionment considering sectors like vehicular pollution, industrial pollution, dust pollution, construction activities, garbage burning, agricultural pollution including pollution caused by burning of crop residue, residential and indoor pollution etc. The action plan shall also consider measures for strengthening of Ambient Air Quality (AAQ) monitoring and steps for public awareness including issuing of advisory to public for prevention and control of air pollution and involvement of schools, colleges and other academic institutions and awareness programmes.
- v. The Action Plan will indicate steps to be taken to check different sources of pollution having speedy, definite and specific timelines for execution.
- vi. The Action Plan should be consistent with the carrying capacity assessment of the non-attainment cities in terms of vehicular pollution, industrial emissions and population density, extent of construction and construction activities etc. The carrying capacity assessment shall also lay

emphasis on agricultural and indoor pollution in rural areas. Depending upon assessed carrying capacity and source apportionment, the authorities may consider the need for regulating number of vehicles and their parking and plying, population density, extent of construction and construction activities etc. Guidelines may accordingly be framed to regulate vehicles and industries in non-attainment cities in terms of carrying capacity assessment and source apportionment.

- vii. The Committee comprising of (a) Shri. Prashant Gargava, Member Secretary, CPCB, (b) Dr. Mukesh Khare, Professor, IIT Delhi, and (c) Dr. Mukesh Sharma, Professor, IIT Kanpur shall examine the Action Plans and on the recommendations of the said Committee, the Chairman, CPCB shall approve the same by 31.01.2019.
- viii. The Chief Secretaries of the State and Administrators/ Advisors to Administrators of the Union Territories will be personally accountable for failure to formulate Action Plans, as directed.
- ix. The CPCB, SPCBs and State Pollution Control Committees shall develop a public grievance redressal portal for redressal of public complaints on air pollution along with a supervisory mechanism for its disposal in a time bound manner. Any visible air pollution can be reported at such portal by email/SMS.
- x. The CPCB and all the State Pollution Control Boards and Pollution Control Committees shall collectively workout and design a robust nationwide ambient air quality monitoring programme in a revised format by strengthening the existing monitoring network with respect to coverage of more cities/towns. The scope of monitoring should be expanded to include all twelve (12) notified parameters as per Notification No B-29016/20/90/PCI-L dated 18th November, 2009 of CPCB. The continuous Ambient Air Quality Monitoring Stations (AAQMS) should be preferred in comparison to manual monitoring stations. The CPCB and States shall file a composite action plan with timelines for its execution which shall not be more than three months. It is expected that all such AAQMS shall be

connected to central server of CPCB for reporting analysis of results in a form of Air Quality Bulletin for general public at regular intervals atleast on weekly basis and ambient air quality on continuous basis on e-portal. MoEF&CC will provide requisite funds for the purpose. MoEF&CC in consultation with Ministry of Housing and Urban Affairs, MoRTH, Ministry of Petroleum and Natural Gas, Ministry of Agriculture, Cooperation and Farmers Welfare or any other Ministry to lay down such guidelines as may be considered necessary for improvement of air quality in the country.”

5. In pursuance to the above, the CPCB has filed compliance report vide e-mail dated 15.02.2019. An updated status report has been furnished during the hearing by the learned counsel for the CPCB which is as follows:-

*“Action Plan received: 83 cities
Action plan not received: 19 cities
Action Plan approved by CCB: 46
Action Plan not approved by CCB: 11
Action Plan under Review: 26+3 (three revised plan of Telangana received)
Monitoring Network worked out in consultation with SPCBs”.*

6. The question is the action to be taken for non-compliance by the States in not preparing action plans or incomplete plans and further directions for execution of plans.
7. Non-compliance of order of this Tribunal is a criminal offence under Section 26 of the National Green Tribunal Act, 2010 and in case of Government, Head of the

Department is deemed to be guilty for such an offence. Punishment provided is sentence upto three years or fine upto Rs. 10 crores or both with additional fine for the every day's failure. Under Section 25 of the NGT Act, 2010, order of the Tribunal is decree of Civil Court to be executed as per Civil Procedure Code. Section 51 Civil Procedure Code provides civil imprisonment as a mode for enforcing the decree. Alternatively, such further order can be passed as may be necessary to secure compliance.

8. Vide order dated 16.01.2019 in O.A. No. 606/2018, the Tribunal directed Chief Secretaries of all the States to appear in person and furnish compliance of various orders of this Tribunal, including the above order dated 08.10.2018 with regard to non-attainment cities. The Chief Secretaries of five States have already appeared and most of the States have are still non-compliant. They have been directed to take necessary steps with improved institutional mechanism and approach.

9. In view of non-compliance of orders of this Tribunal, on an important issue adversely affecting public health and lives of citizens, inspite of serious consequences statutorily provided by the Parliament, we direct Chief Secretaries of the States in respect of which action plans have not been filed i.e. Assam, Jharkhand,

Maharashtra, Punjab, Uttarakhand and Nagaland to forthwith furnish such action plans. If such action plans are not furnished till 30.04.2019, the States will be liable to pay environment compensation of Rs. 1 crore each. The States, where action plans are found to be deficient and deficiencies are not removed till 30.04.2019, will be liable to pay Rs. 25 lacs each. The timeline for execution of the action plans is six months from the date of finalization of action plan. Budgetary provision must be made for execution of such plans.

10. If action plans are not executed within the specified timeline mentioned above, the defaulting States will be required to pay Environmental Compensation and may also be required to furnish performance guarantee for execution of plans in extended timeline as per recommendations received from CPCB. The CPCB may make its recommendation in the matter before the next date.

11. The CPCB is directed to update the number of cities. If on parameters applied, there are other cities, not included in list of 102, such cities may be also included.

12. We also direct CPCB to prepare noise pollution map and identify hotspots and categorize the cities with

specified hotspots and propose a remedial action plan. Such report may be furnished within three months by e-mail at ngt.filing@gmail.com. We are informed that in 7 cities noise monitoring mechanism has already been established by the CPCB which is functioning on continuous basis and is connected to the server of CPCB. The CPCB may consider setting up such mechanism in all the cities which are found to be having noise level above approved the threshold.

13. We have considered the issue of noise pollution with reference to NCT of Delhi in Original Application No. 519 of 2016, *Hardeep Singh & Ors. v. SDMC* and found that effective monitoring mechanism is necessary to give effect to Noise Pollution (Regulation and Control) Rules, 2000 and law laid down inter-alia “*In Re: Noise Pollution - Implementation of the Laws for restricting use of loud speakers and high volume producing sound systems*”⁶. As noted by the Hon’ble Supreme Court, absence of implementation of such norms affects health of citizens, especially infants and senior citizens. It also affects sleep, comfort, studies and other legitimate activities. Steps required to be taken include:

⁶ (2005) 5 SCC 733

- 
- i. Training of regulatory machinery and identifying and notifying accountable officers and preparing action plan and monitoring mechanism.
 - ii. Awareness, particularly among students through Education Department and involvement of Resident Welfare Associations (RWAs), social and religious institutions and volunteers.
 - iii. Prosecution of violators, seizure of equipment and recovery of compensation from violators.
 - iv. Requiring installation of noise, measurement meters by those using equipment capable of producing noise higher than the prescribed limit.

14. The State PCBs may undertake noise level monitoring in conjunction with the Police Department and take remedial action. The Police Departments of all the States/UTs may obtain the noise monitoring devices within a period of three months and specification of such devices may be finalized in consultation with the respective State PCBs/Pollution Control Committees (PCCs). The Police Department of all the State/UTs may also train their staff regarding the use of such devices and develop a robust protocol for taking appropriate action against the defaulters. The CPCB may explore the possibility in consultation with the leading manufacturers of public address systems and other manufacturers of such instruments, to manufacture

such equipments wherein the noise meters with data loggers are fitted therein so that as and when the prescribed parameters are violated, the same gets recorded and retrieved by the regulators for fixing the responsibility on the violators. The Chief Secretary may finalize action plans in this regard within three months and submit the same to CPCB. CPCB may give its report by July 15, 2019.

15. The CPCB may also lay down scale of compensation to be recovered including conditions on which equipment seized is to be released within one month.

16. Copies of this order be sent to the Chief Secretaries of all the States/UTs and DGPs by e-mail.

List for further consideration on 19.07.2019

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 15, 2019
Original Application No. 681/2018
A



ANDHRA PRADESH POLLUTION CONTROL BOARD

D.No 33-26-14/ D/2, Near Sunrise Hospital, Pushpa Hotel Center, Chalamalavari Street,
Kasturibaipet, Vijayawada - 520 010.

Office : 0866-2463200

: 0866-2436216 / 17

Website : www.appcb.ap.nic.in

Lr. No. APPCB-12022/4/2018-SS-CL-APPCB -1701

Date: 11.12.2019.

To

- | | |
|--|---|
| <p>1. The Director General of Police,
Kolanukonda,
Mangalagiri,
Guntur District.</p> <p>2. The Commissioner,
Transport Department,
M G Road, Punnamithota,
Labbipet,
Vijayawada – 520010.</p> <p>3. The Special Commissioner,
Technical Education,
Survey No .77/5,
ANR Towers,
Prasadampadu,
Jammichettu Road,
Vijayawada Rural - 520008.</p> | <p>4. The Commissioner and Director,
Municipal Administration,
Sri Krishna Enclave,
Annapurnanagar,
5th Lane, Gorantla,
Guntur Dist – 522 034.</p> <p>5. The Commissioner,
School Education,
Anjaneya Towers,
Road No:7-104,
B-Block, 4th Floor, NTPS
Road Ibrahimpatnam,
Vijayawada.</p> <p>6. The Special Commissioner,
College Education,
Survey No .77/5,
ANR Towers,
Prasadampadu,
Jammichettu Road,
Vijayawada Rural - 520008.</p> |
|--|---|

Sir,

Sub: APPCB – LAB – Hon'ble National Green Tribunal Order, dated 15.03.2019 in O. A. No. 681/2018 – Control of noise pollution in cities and towns of Andhra Pradesh – Action plans communicated – Implementation requested - Reg.

- Ref:**
1. Hon'ble National Green Tribunal Order, dated 15.03.2019 in O. A. No. 681/2018.
 2. The Noise Pollution (Regulation and Control) Rules, 2000.
 3. EFS&T Department, Govt. of AP, G.O.Ms No. 172, dated 12.10.2010.
 4. APPCB D. O. Lr. No. APPCB-12022/4/2018-SS-CL-APPCB-451, dated 25.06.2019.
 5. APPCB Lr. No. APPCB-12022/4/2018-SS-CL-APPCB-566, dated 15.07.2019.

It is to inform that the Hon'ble National Green Tribunal Order, dated 15.03.2019 in O. A. No. 681/2018 has issued certain directions to the State Government to initiate steps to control noise pollution in the cities and towns of Andhra Pradesh, vide reference 1st cited above. The directions para-wise are:

Para – 12: Central Pollution Control Board (CPCB) to prepare noise pollution map and to identify hotspots and categorize the cities with specified hotspots and propose a remedial action plan and to submit such report within three months by e-mail at ngt.filing@gmail.com. CPCB may consider

setting up of a mechanism for noise monitoring in the cities, which are found to be having noise level above the approved threshold.

Para – 13: Absence of effective implementation mechanism of rules & regulations, noise pollution affects the health of citizens, especially infants and senior citizens and also affects sleep, comfort, studies and other legitimate activities of public at large. To have effective monitoring mechanism, which is necessary to implement the provisions of the Noise Pollution (Regulation and Control) Rules, 2000 effectively, Hon'ble NGT has listed out the following steps to include in the action plans:

- a) Training of regulatory machinery and identifying and notifying accountable Officers and preparing action plan and monitoring mechanism.
- b) Awareness, particularly among students through Education Department and involvement of Resident Welfare Associations (RWAs), Social and Religious Institutions and Volunteers.
- c) Prosecution of violators, seizure of equipment and recovery of compensation from violators.
- d) Requiring installation of noise measuring meters by those using equipment capable of producing noise higher than the prescribed limit.

Para – 14: The State Pollution Control Board may undertake noise level monitoring in conjunction with the Police Department and take remedial action. The Police Departments of all the States, UTs may obtain the noise monitoring devices within a period of three months and specification of such devices may be finalized in consultation with the respective PCBs. The Police Department of all the States / UTs may also train their staff regarding the use of such devices and develop a robust protocol for taking appropriate action against the defaulters.

The Chief Secretary of the State may finalize action plans in this regard within three months and submit the same to CPCB. The CPCB may give its report by July 15th, 2019.

Para – 15: CPCB may also lay down scale of compensation to be recovered including conditions on which equipment seized is to be released within one month.

Para – 16: Hon'ble NGT has communicated the copies of this Order to the Chief Secretaries of all the States / UTs and DGPs by e-mail.

In view of the Hon'ble NGT directions, Andhra Pradesh Pollution Control Board (APPCB) has addressed letters to all the concerned stakeholder departments of Andhra Pradesh to provide action plan points pertaining to their departments, vide reference 4th cited.

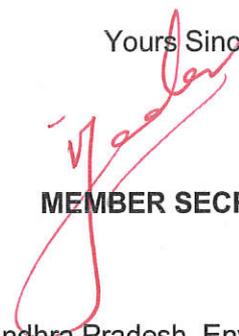
Further to inform that APPCB has prepared the action plan points concerned to all departments taking the provisions of the Noise Pollution (Regulation and Control) Rules, 2000 and the EFS&T Department, Govt. of AP, G.O.Ms No. 172, dated 12.10.2010 in to confidence and submitted to CPCB, Delhi on 15.07.2019, vide reference 5th cited.

These action plan points have been discussed with the concerned stakeholder departments in detail during the "Air Quality Monitoring Committee" (AQMC) meeting convened on 26.11.2019 in the premises of Head Office, APPCB, Vijayawada.

The action plan prepared for the towns and cities of the State of Andhra Pradesh to control noise pollution is herewith communicated for favour of information and implementation.

Yours Sincerely,

Encls: As above.


MEMBER SECRETARY

Copy submitted to the Special Chief Secretary to Government of Andhra Pradesh, Environment, Forest, Science & Technology Department, A P Secretariat, Velagapudi, Amaravathi for favour of information.

D.V.T.
12.12



ANDHRA PRADESH POLLUTION CONTROL BOARD

D.No.33-26-14D/2, Near Sunrise Hospital, Pushpa Hotel Centre,
Chalamalavari Street, Kasturibaipet, Vijayawada – 520 010.
Phone. No.0866-2463200, 0866-2436216 Website : www.appcb.ap.nic.in

Lr. No. APPCB-12022/4/2018-SS-CL-APPCB 566

Date: 15.07.2019.

To
The Member Secretary,
Central Pollution Control Board,
Parvesh Bhavan, East Arjun Nagar,
Delhi -110032.

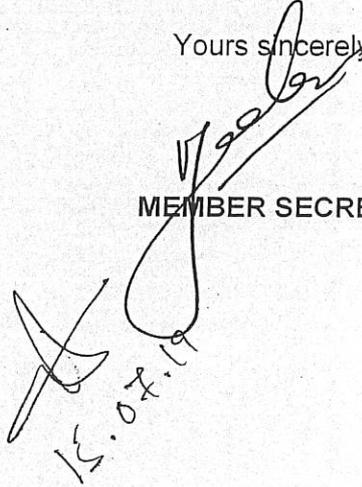
Sir,

Sub:	APPCB – LAB – Hon'ble National Green Tribunal Order, dated 15.03.2019 in O.A. No. 681/2018 – Action plans for control of noise pollution in the State of Andhra Pradesh – Submitted – Reg.
Ref:	Hon'ble National Green Tribunal Order, dated 15.03.2019 in O. A. No. 681/2018.

With reference to the above, please find enclosed herewith the action plans for control of noise pollution in the State of Andhra Pradesh for favour of information and necessary action.

Encls: As above.

Yours sincerely,


MEMBER SECRETARY

COMPREHENSIVE ACTION PLAN FOR CONTROL OF NOISE POLLUTION IN ANDHRA PRADESH

1. Introduction:

In exercise of the powers conferred by clause (ii) of sub-section (2) of section (3), sub-section (1) and clause (b) of sub-section (2) of section (6) & section (25) of the Environment (Protection) Act, 1986 (29 of 1986) read with Rule 5 of the Environment (Protection) Rules, 1986 for the regulation and control of noise producing and generating sources. Accordingly, the Ministry of Environment & Forests and Climate Change, Govt. of India, New Delhi has issued notification with the title "The Noise Pollution (Regulation and Control) Rules, 2000" and these rules came into force from 14.02.2000.

2. Ambient Air Quality standards in respect of noise:

The ambient air quality standards in respect of noise for different areas / zones as specified in the "The Noise Pollution (Regulation and Control) Rules, 2000" are as follows:

Area Code	Category of Area / Zone	Limits in dB(A) Leq*	
		Day time	Night time
(A)	Industrial	75	70
(B)	Commercial	65	55
(C)	Residential	55	45
(D)	Sensitive	50	40

Note:

1. Day time shall mean from 06.00 am to 10.00 pm.
2. Night time shall mean from 10.00 pm to 06.00 am.
3. Silence zone is defined as an area comprising not less than 100 metres around hospitals, educational institutions and courts. The silence zones are zones which are declared as such by the competent authority.
4. Mixed categories of areas may be declared as one of the four above mentioned categories by the competent authority.
5. *dB(A) Leq denotes the time weighted average of the level of sound in decibels on scale A which is relatable to human hearing.

3. Identified sources of noise pollution:

- a) **Loudspeakers:** Indiscriminate use of loudspeakers during day and night times from the places of worship, public meetings, religious congregations, etc.
- b) **Beating of drums:** During religious precisions, festivals, at function halls, public meetings, etc.
- c) **Firing of crackers:** During festivals, religious & social functions, etc.
- d) **From Vehicles:** Retro fitting of silencers, horns and engines of various vehicles flying on the roads. Use of pressure and musical horns by various vehicles, especially buses operated by private individuals, trucks, lorries, auto rikshaws, two wheelers, etc.
- e) **Airports**

4. Noise monitoring:

Andhra Pradesh Pollution Control Board is monitoring noise levels in the important million-plus cities like, Visakhapatnam & Vijayawada and at pilgrimage centre, Tirumala continuously on real-time basis using since six years from 2013. Noise data obtained at these stations is as follows:

Year	Tirumala (GNC building)		Vijayawada (All India Radio)		Visakhapatnam (AU, Siripuram)		Visakhapatnam (Zoo park)	
	Day	Night	Day	Night	Day	Night	Day	Night
2013	73	71	70	66	73	69	66	65
2014	73	71	70	65	74	68	67	65
2015	74	70	70	64	74	64	67	63
2016	71	67	70	65	75	67	60	56
2017	75	70	69	64	75	67	65	64
2018	76	72	70	65	74	67	68	67
Ambient Air Quality standards in respect of noise								
	Industrial Area		Commercial Area		Residential Area		Silence zone	
Day time	75		65		55		50	
Nigh time	70		55		45		40	
All values are expressed in dB (A) Leq.								
Day time means 06.00 AM to 10.00 PM.								
Nighttime means 10.00 PM to 06.00 AM.								

Andhra Pradesh Pollution Control Board has also carried out monitoring of ambient noise levels during Deepavali festivals on 07.11.2018 at 10 cities and towns of Andhra Pradesh as per the directions of Central Pollution Control Board and in compliance of Hon'ble Supreme Court directions in its judgment, dated 23.10.2018.

5. Efforts of Government of Andhra Pradesh to control noise pollution in the State:

Environment, Forests, Science & Technology Dept., Govt. of Andhra Pradesh has issued G. O. Ms. No. 172, dated 12.10.2010 to control noise pollution in the State. The GO has prescribed the authorities for (i) Zoning of areas, (ii) Implementation of the rules, (iii) Penalties to be levied on the defaulters as detailed below:

- a) **Zoning of areas:** The director of town and country planning shall be the authority to identify and notify the broad boundaries of industrial areas, commercial areas, residential areas and silent zones as applicable in human habitations of the State. In the silent zones, sign boards shall be raised by the concerned municipalities accordingly.
- b) **Prescribed authority for implementation:** The Commissioner of Police in the Municipal Corporation area and the Superintendent of Police of districts within their jurisdiction to implement the ambient air quality standards and rules in respect of noise. These authorities shall have the powers to further sub-delegate the authority to facilitate effective implementation.

The Road Transport authority shall ensure that no vehicle shall receive fresh registration or renewal of registration or license for driving such vehicle unless the horn fitted in the vehicles meets the prescribed standard. The engine silencers are as per specified norms and good condition, and the overall condition of the vehicle body and suspension system is in good order, so as not to rattle and cause noise beyond permissible limits. The RTA shall also check that no multi-tone horns and accessories for audio alarms / indications producing noise beyond permissible limit, are in use. It is also to be ensured that audio systems within the vehicle operate at maximum - 75dB (A) at two meters distance from the vehicle.

- c) **Levy of penalties:** The penalties will be, in accordance with provisions laid down in Police Act, Cr.P.C. and motor vehicle Act, in addition to the provisions in Section (15) of the Environment (Protection) Act, 1986. Accordingly, for vehicular defaulters, the Section 190 (2) of Motor Vehicles Act, 1988 is used to find the first offence at Rs. 1,000/- and subsequent offences at Rs. 2,000/- per offence.

The other defaulters shall be fined Rs. 2,000/- in the first instance and Rs. 4,000/- per offence for the sub-sequent offences. Under the Section (15) of Environment (Protection) Act, 1986 a proven offender can be punished with imprisonment for a term which may extend to 5 years with fine, which may extend upto one lakh rupees or with both, and in case the contravention continues, with additional fine, which may extend to five thousand rupees for every day during which, such contravention continues after the conviction for the first such failure or contravention. Under the same Rules, if the failure or contravention continues beyond a period of one year and after the date of conviction, the offender shall be punishable with imprisonment for a term, which may extend to seven years.

- d) The local municipal and Gram Panchayat Authorities shall ensure to take necessary measures to cause wide publicity of the impacts of noise on health of human beings and penalty provisions of these Rules, through cinema exhibit slides, electronic media, etc.

Andhra Pradesh Pollution Control Board shall take legal action against cinema halls, who continuously exceed 85 dB (A) inside the theatres during the cinema shows.

In the case electrical generators used for domestic / industrial purposes, the owners shall be given directions by local Municipal Authorities that the exhausters of the generator set to be installed in sound proof enclosed room and the exhaust of the generator should be muffed, especially in the silent and residential zones.

Detailed action plan to control noise pollution in the State of Andhra Pradesh is annexed for favour of information and necessary action.

Yours sincerely,


MEMBER SECRETARY

ANNEXURE

Action plan for abatement of the noise pollution in cities & towns of Andhra Pradesh

S. No.	Action points	Time frame for implementation (short/mid/long term)	Responsible Department / agency	Financial Implications (If any)
1	Implementation of noise Rules & Regulations and prescribed authorities: G. O. Ms. No. 172, dated 12.10.2010 issued by the EFS & T Dept., Govt. of Andhra Pradesh, and The Noise Pollution (Regulation and Control) Rules, 2000 & Amendments thereof.	Short & long term to continue as regular activity	Police, Transport, Urban and Rural Local Bodies and APPCB.	Nil
2	Procurement of noise level monitoring devices. (CPCB & APPCB will provide the technical specifications & details of suppliers of devices to the other stakeholders)	Short & medium	Procurement of portable hand held devices in six months (short term) and real-time continuous online stationary devices in one year (medium term). Action: Police, Transport, Urban Local Bodies and APPCB.	Stakeholders have to work out the requirement & budget.
3	Strengthening of Noise Monitoring Network with at least one real-time continuous online stationary device in all the district head quarters and important towns. Proposal will be submitted to CPCB for providing required funds for procurement & installation of the devices in one year.	Short, medium & long	APPCB is operating real-time noise monitoring stations at Visakhapatnam (2 Nos.), Vijayawada and Tirumala with one each since 2013. Central Pollution Control Board has sanctioned four real-time noise monitoring stations each to Visakhapatnam and Vijayawada. APPCB has identified the locations and communicated to CPCB.	APPCB will work out the requirement & budget.

S. No.	Action points	Time frame for implementation (short/mid/long term)	Responsible Department / agency	Financial Implications (if any)
4	Launch public awareness campaign for air pollution control, vehicle maintenance, minimizing use of personal vehicles, lane discipline, etc.	Short & to continue as regular activity	<p>a) Variable message boards are installed at strategic locations in the cities & towns to promote awareness on the air and noise pollution among the general public. Action: Police, APPCB, ULBs, Transport Depts.</p> <p>b) Awareness programmes targeting certain groups / associations like, truck owners, auto rikshaw, private bus operators, Road Transport Corporations, etc. through seminars, workshops, etc. Action: Police, APPCB, ULBs, Transport Depts.</p> <p>c) Promoting public awareness through electronic media (television) messages & to the mobile users by SMS messages. Action: Police, APPCB, ULBs, Transport Depts.</p> <p>d) Awareness programs are to the drivers of various kinds of vehicles on</p>	As a part of the departmental activity & to meet from the budget of the respective departments

S. No.	Action points	Time frame for implementation (short/mid/long term)	Responsible Department / agency	Financial Implications (if any)
			<p>prevention of noise pollution through not using retro fitted silencers, horns (musical, pressure & multi-tone, etc.) and engines during the issue of licences & issue of fitness certificates by the Transport Dept.</p> <p>Action: Transport Dept.</p> <p>e) Awareness programmes on noise pollution targeting all the religious groups / associations through organising seminars, workshops, etc.</p> <p>Action: Police, APPCB, ULBs.</p> <p>f) Awareness on noise pollution to the student community through organising seminars, workshops, etc.</p> <p>Action: Education Dept.</p>	
5	Launch extensive drive against vehicles using multi & musical horns with high sound producing and horns other than recommended by the regulatory authorities for ensuring strict compliance	Short & to continue as regular activity	Transport & Police (Traffic) as per the provisions of Motor Vehicles Act, 1988, Police Act Cr. P. C. and EFS & T G. O. Ms. No. 172, dated 12.10.2010.	As a part of the department activity
6	Launch extensive drive against manufacturers & dealers unauthorisedly manufacturing & selling the horn devices producing high sound and non-complying with authority prescribed norms.	Short & to continue as regular activity	Transport as per the Sections 119 & 120 of the Motor Vehicles Act, 1988.	As a part of the department activity

S. No.	Action points	Time frame for implementation (short/mid/long term)	Responsible Department / agency	Financial Implications (if any)
7	Reduction of community traffic noise by developing green corridors along the roads: Development of the green corridors (Avenue Plantations, Central Medians, Institutions, Open Spaces, Lakes, Green Ways, Green Curtains) which will act as absorbing surfaces and assist in mitigating the noise pollution.	Long (continue as regular activity)	Urban Local Bodies & Forest Department	As a part of the department activity
8	Verifying the compliance of noise limits for automobiles (free field) at one meter in dB (A) at the manufacturing stage. [S. No. 46 of Schedule-I of the Environment (Protection) Rules, 1986]	Short & to continue as regular activity	Action: Transport	As a part of the department activity
9	Air Port noise pollution control: Enforcement of MoEF & CC, Govt. of India Notification, dated 18.06.2018 on air quality standards with respect to noise in airport noise zone.	Short & to continue as regular activity	APPCB has addressed letters to all the airports in Andhra Pradesh to comply with the provisions of the Notification. Action: APPCB & Airport Authorities.	As a part of the department activity
10	Diesel Generator sets	Short & to continue as regular activity	Compliance verification of regulatory standards stipulated. Action: ULBs & APPCB.	As a part of the department activity
11	Fire crackers	Short & to continue as regular activity	PESO is the authority for ensuring the implementation of the standards at the manufacturing stage. APPCB to continue to monitor the ambient air quality including noise levels during Deepavali festival.	As a part of the department activity

S. No.	Action points	Time frame for implementation (short/mid/long term)	Responsible Department / agency	Financial Implications (if any)
12	Industrial noise pollution control.	Short & to continue as regular activity	<p>APPCCB is stipulating the noise standards while issue of the CTE & CFO and the compliance verification is being carried out.</p> <p>Action: APPCCB & Industries Dept.</p>	As a part of the department activity
13	<p>Strengthening of the monitoring activity of the noise</p> <p>a) Cinema Theatres (monitoring of noise levels for compliance of standards stipulated).</p> <p>b) Verify the noise levels at the public address systems.</p> <p>c) Dissemination of the noise quality data for the benefit of general public and other stake holders for taking necessary action.</p> <p>d) Retro-fitting of silencers, horns and engines of vehicles.</p> <p>e) To monitor the noise levels at construction sites and domestic appliances.</p> <p>[S. No. 47 of Schedule-I of the Environment (Protection) Rules, 1986]</p> <p>f) Set-up and publicize public grievance helpline for addressing the complaints of noise pollution.</p>	Short & to continue as regular activity	<p>APPCCB</p> <p>Police Dept.</p> <p>APPCCB (through website, electronic display boards and addressing letters to stakeholders).</p> <p>Transport Dept.</p> <p>Urban Local Bodies</p> <p>Police, Transport, Urban Local Bodies & APPCCB.</p>	As a part of the department activity

Item No. 04

Court No. 1

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

Original Application No. 681/2018

News item published in "The Times of India" Authored by Shri Vishwa
Mohan

Titled

"NCAP with multiple timelines to clean air in 102 cities to be released
around August 15"

(Report filed in O.A. No. 681/2018)

Date of hearing: 06.08.2019

**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): None

For Respondent (s): Mr. Rajkumar, Advocate for CPCB
Ms. Nandini Sen, Advocate for State of West
Bengal
Mr. Shuvodeep Roy, Mr. Sataroop Das, Advocates
for State of Tripura
Ms. K. Enatoli Sema, Advocate for State of
Nagaland & PCB
Mr. Dhananjay Baija, Advocate for Telangana
State
G. Indira, Advocate for Andaman & Nicobar
Admn.
Mr. Jogy Scaria, Advocate for KSPCB
Mr. Shuvodeep Roy, Mr. Vinayak Gupta,
Advocates for State of Assam
Mr. T.V.S. Raghavendra Sreyas, Advocate for
APPCB
Mr. Rahul Khurana, Advocate for HSPCB

ORDER

1. The question for consideration is the remedial measures to be adopted to enforce the Ambient Air Quality Standards with reference to the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (the Air Act) and the Environment (Protection) Act, 1986 (the

EPA Act) in cities classified as 'Non-Attainment Cities' (NACs)¹ based on monitoring of the ambient air quality. Further question is compliance of Noise Pollution (Regulation and Control) Rules, 2000 (Noise Rules) framed under the provisions of the EPA Act.

I. Non-attainment Cities not meeting the standards of Air Quality

2. Vide order dated 08.10.2018, this Tribunal noticed the newspaper report² to the effect that 102 cities were identified as NACs for not meeting the prescribed standards of air quality. The Air Act stipulates stopping of any activity violating norms of air quality and taking steps for prosecution or other regulatory measures³ which have been read to include recovery of compensation on 'Polluter Pays' principle⁴. National Ambient Air Quality Standards are laid down under Section 16(2)(h) of the Air Act.⁵ The Central Pollution Control Board (CPCB) compiled its report with reference to the said standards and published a list of 102 NACs⁶. The GoI prepared National Clean Air Programme (NCAP) proposing to reduce the pollution in next 10 years - 35% in next 3 years, 50% in next 5 years and 70-80% in next 10 years. It may be noted that as a result of such exercise, earlier in the year 2017 number of NACs was 95⁷.

¹ NAC has been defined as those "Cities which are exceeding annual average concentrations of any of the notified parameters with respect to National Ambient Air Quality Standards for consecutively five years".

² Dated 03.08.2019 in the Times of India under the heading "NCAP with multiple timelines to clean air in 102 cities to be released around August 15".

³ Section 22 read with Section 31A of the Air Act and

⁴ Aryavart Foundation Vs. M/s Vapi Green Enviro Limited & Ors.O.A No. 95/2018, Indian Council for Enviro Legal Action & Ors. v. Union of India & Ors. (1996) 3 SCC 212 Para 16, Vellore Citizens Welfare Forum v. Union of India & Ors. (1996)5SCC647 Para 12 to 18 - holding that 'Polluter Pay' principle is accepted principle and part of environmental law of the country, even without specific statute.

⁵ Notification dated 12.11.2009 issued by the CPCB

⁶ https://cpcb.nic.in/uploads/Non-Attainment_Cities.pdf

⁷ <http://cpcbenviis.nic.in/airpollution/finding.htm>. Based on ambient air quality data obtained (2008-2010) under National Air Quality Monitoring Programme (NAMP)

3. The Tribunal noted the concern arising from such large scale air pollution which grapples the country in spite of statutory mechanism under the Air Act, directions of the CPCB under section 18(1)(b), dated 29.12.2015 and directions of the Hon'ble Supreme Court for control of vehicular pollution⁸, industrial and construction sector pollution⁹, power sector pollution¹⁰ and agricultural sector pollution¹¹ and orders of this Tribunal dealing with the said issues¹². The Tribunal also referred to a Comprehensive Action Plan (CAP) for air pollution control for NCR prepared in pursuance of order of the Hon'ble Supreme Court dated 06.2.2017 by the Environment Pollution (Prevention and Control) Authority (EPCA) in consultation with the CPCB and DPCC on 05.04.2017¹³ and Graded Response Action Plan (GRAP) notified by the MoEF&CC on 12.01.2017¹⁴ stipulating specific steps for different levels of air quality such as improvement in emission and fuel quality and other measures for vehicles, strategies to reduce vehicle numbers, non-motorised transport network, parking policy, traffic management, closure of polluting power plants and industries including brick kilns, control of

⁸ M.C. Mehta v. Union of India (1985)2 SCC 431, M.C. Mehta v. Union of India (2001) 3 SCC 756, M.C. Mehta v. Union of India (1998) 6 SCC 63, M.C. Mehta v. Union of India (2002) 3 SCC 356, M.C. Mehta v. Union of India (1998) 6 SCC 60

⁹ M.C. Mehta v. Union of India (1997) 2 SCC 353, M.C. Mehta v. Union of India and Shriram Foods and Fertilizer Industries and Anr. (1986) 2 SCC 235, Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P. (1985) 2 SCC 431, Mohd. Haroon Ansari v. District Collector (1998) 6 SCC 60, Union of India v. Union Carbide Co. (1989) 1 SCC 674, M.C. Mehta v. Union of India (1992) 4 SCC 256, Sterlite Industries (India) Ltd. etc. v. Union of India & Ors.(2013) 4 SCC 575, M.C. Mehta v. Union of India (2004) 6 SCC 588, M.C. Mehta v. Kamal Nath (2000)6 SCC 213

¹⁰ Consumer Education and Research Centre v. Union of India (1995)3 SCC 42, Dahanu Taluka Environment Protection group and Ors. v. Bombay Suburban Electricity Supply Company Ltd. and Ors (1991) 2 SCC 539

¹¹ Arjun Gopal and Ors v. Union of India and Ors (2017) 16 SCC 280, Dr. B.L Wadhwa v. Union of India and Ors (1996) 2 SCC 594

¹² Vardhman Kaushik v. Union of India and Ors. O.A no. 21 of 2014, Vikrant Kumar Tongad v. Environment Pollution (Prevention and Control) Authority and Ors, O.A No. 118 of 2013, Satish Kumar v. Union of India and Ors, O.A. No. 56 (THC) OF 2013, Smt. Ganga Lalwani V. Union of India and Ors. O.A No. 451 of 2018

¹³ Report No.71, EPCA-R/2-17/L-21, Comprehensive Action Plan for air pollution control with the objective to meet ambient air quality standards in the National Capital Territory of Delhi and National Capital Region, including states of Haryana, Rajasthan and Uttar Pradesh.

¹⁴ S.O.118(E), Notification, Ministry of Environment, Forest and Climate Change

generator sets, open burning, open eateries, road dust, construction dust, etc.¹⁵

4. Implementation of prescribed norms in the light of legal provisions and court directions remains a challenge. The consequence is that India is being ranked high in terms of level of pollution compared to many other countries with enormous adverse impact on public health. Most victims are children, senior citizens and the poor.
5. The GRAP categorises levels of pollution as severe plus, severe, very poor, moderate to poor. The action to be taken in such situations includes stopping entry of trucks, stopping construction activities, odd and even scheme of private vehicles, shutting of schools, closing of brick kilns, stone crushers, hot mix plants, power plants, intensifying public transport services, mechanised cleaning of road, and sprinkling of water, stopping the use of diesel generator sets, enhancing parking fees, etc.
6. The MoEF&CC has by various notifications put restriction on activities in Coastal areas, Flood plains, Taj corridor Eco-sensitive zones, etc. in view of ecological sensitivity and impact of such activities on environment if such activities are carried out in unregulated areas. This needs to be extended to the NACs in view of impact on public health and environment to give effect to the 'Precautionary' and 'Sustainable Development' principles.
7. The Tribunal after consideration of the issue on 08.10.2018, directed as follows:

¹⁵<https://www.thehindu.com/sci-tech/energy-and-environment/india-ranks-177-out-of-180-in-environmental-performance-index/article22513016.ece>,<https://www.ndtv.com/delhi-news/delhis-air-pollution-has-caused-of-death-of-15-000-people-study-1883022..>

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- i. All the States and Union Territories with non-attainment cities must prepare appropriate action plans within two months aimed at bringing the standards of air quality within the prescribed norms within six months from date of finalization of the action plans.
 - ii. The Action Plans may be prepared by six-member committee comprising of Directors of Environment, Transport, Industries, Urban Development, Agriculture and Member Secretary, State Pollution Control Board or Committee of the concerned State. The Committee may be called Air Quality Monitoring Committee (AQMC). The AQMC will function under the overall supervision and coordination of Principal Secretary, Environment of the concerned State/Union Territory. This may be further supervised by the Chief Secretaries concerned or their counterparts in Union Territories by ensuring intra-sectoral co-ordination.
 - iii. The Action Plans may take into account the GRAP, the CAP and the action plan prepared by CPCB as well as all other relevant factors. The Action Plans may be forwarded to the CPCB by 31.12.2018. The same may be placed before the Committee as directed in direction no. vi. The Action Plan will include components like identification of source and its apportionment considering sectors like vehicular pollution, industrial pollution, dust pollution, construction activities, garbage burning, agricultural pollution including pollution caused by burning of crop residue, residential and indoor pollution etc. The action plan shall also consider measures for strengthening of Ambient Air Quality (AAQ) monitoring and steps for public awareness including issuing of advisory to public for prevention and control of air pollution and involvement of schools, colleges and other academic institutions and awareness programmes.
 - iv. The Action Plan will indicate steps to be taken to check different sources of pollution having speedy, definite and specific timelines for execution.
 - v. The Action Plan should be consistent with the carrying capacity assessment of the non-attainment cities in terms of vehicular pollution, industrial emissions and population density, extent of construction and construction activities etc. The carrying capacity assessment shall also lay emphasis on agricultural and indoor pollution in rural areas. Depending upon assessed carrying capacity and source apportionment, the authorities may consider the need for regulating number of vehicles and their parking and plying, population density, extent of construction and construction activities etc. Guidelines may accordingly be framed to regulate vehicles and industries in non-attainment cities in terms of carrying capacity assessment and source apportionment.
 - vi. The Committee comprising of (a) Shri. Prashant Gargava, Member Secretary, CPCB, (b) Dr. Mukesh Khare, Professor, IIT Delhi, and (c) Dr. Mukesh Sharma, Professor, IIT Kanpur shall examine the Action Plans and on the recommendations of the said Committee, the Chairman, CPCB shall approve the same by 31.01.2019.
 - vii. The Chief Secretaries of the State and Administrators/ Advisors to Administrators of the Union Territories will be

- personally accountable for failure to formulate Action Plans, as directed.*
- viii. *The CPCB, SPCBs and State Pollution Control Committees shall develop a public grievance redressal portal for redressal of public complaints on air pollution along with a supervisory mechanism for its disposal in a time bound manner. Any visible air pollution can be reported at such portal by email/SMS.*
- ix. *The CPCB and all the State Pollution Control Boards and Pollution Control Committees shall collectively workout and design a robust nationwide ambient air quality monitoring programme in a revised format by strengthening the existing monitoring network with respect to coverage of more cities/towns. The scope of monitoring should be expanded to include all twelve (12) notified parameters as per Notification No B-29016/20/90/PCI-L dated 18th November, 2009 of CPCB. The continuous Ambient Air Quality Monitoring Stations (AAQMS) should be preferred in comparison to manual monitoring stations. The CPCB and States shall file a composite action plan with timelines for its execution which shall not be more than three months. It is expected that all such AAQMS shall be connected to central server of CPCB for reporting analysis of results in a form of Air Quality Bulletin for general public at regular intervals atleast on weekly basis and ambient air quality on continuous basis on e-portal. MoEF&CC will provide requisite funds for the purpose. MoEF&CC in consultation with Ministry of Housing and Urban Affairs, MoRTH, Ministry of Petroleum and Natural Gas, Ministry of Agriculture, Cooperation and Farmers Welfare or any other Ministry to lay down such guidelines as may be considered necessary for improvement of air quality in the country.”*

8. Thereafter, compliance of the above directions was reviewed on 15.03.2019 in the light of report submitted by the CPCB on 15.02.2019. The Tribunal observed:

“5. In pursuance to the above, the CPCB has filed compliance report vide e-mail dated 15.02.2019. An updated status report has been furnished during the hearing by the learned counsel for the CPCB which is as follows:-

“Action Plan received: 83 cities
Action plan not received: 19 cities
Action Plan approved by CCB: 46
Action Plan not approved by CCB: 11
Action Plan under Review: 26+3 (three revised plan of
Telangana received)
Monitoring Network worked out in consultation with SPCBs”.

6. *The question is the action to be taken for non-compliance by the States in not preparing action plans or incomplete plans and further directions for execution of plans.*
7. *Non-compliance of order of this Tribunal is a criminal offence under Section 26 of the National Green Tribunal Act, 2010 and in case of Government, Head of the Department is deemed to be guilty for such an offence. Punishment provided is sentence upto three years or fine upto Rs. 10 crores or both with additional fine for the every day's failure. Under Section 25 of the NGT Act, 2010, order of the Tribunal is decree of Civil Court to be executed as per Civil Procedure Code. Section 51 Civil Procedure Code provides civil imprisonment as a mode for enforcing the decree. Alternatively, such further order can be passed as may be necessary to secure compliance.*
8. *Vide order dated 16.01.2019 in O.A. No. 606/2018, the Tribunal directed Chief Secretaries of all the States to appear in person and furnish compliance of various orders of this Tribunal, including the above order dated 08.10.2018 with regard to non-attainment cities. The Chief Secretaries of five States have already appeared and most of the States have are still non-compliant. They have been directed to take necessary steps with improved institutional mechanism and approach.*
9. *In view of non-compliance of orders of this Tribunal, on an important issue adversely affecting public health and lives of citizens, inspite of serious consequences statutorily provided by the Parliament, we direct Chief Secretaries of the States in respect of which action plans have not been filed i.e. Assam, Jharkhand, Maharashtra, Punjab, Uttarakhand and Nagaland to forthwith furnish such action plans. If such action plans are not furnished till 30.04.2019, the States will be liable to pay environment compensation of Rs. 1 crore each. The States, where action plans are found to be deficient and deficiencies are not removed till 30.04.2019, will be liable to pay Rs. 25 lacs each. The timeline for execution of the action plans is six months from the date of finalization of action plan. Budgetary provision must be made for execution of such plans.*
10. *If action plans are not executed within the specified timeline mentioned above, the defaulting States will be required to pay Environmental Compensation and may also be required to furnish performance guarantee for execution of plans in extended timeline as per recommendations received from CPCB. The CPCB may make its recommendation in the matter before the next date.*
11. *The CPCB is directed to update the number of cities. If on parameters applied, there are other cities, not included in list of 102, such cities may be also included.*
12. *We also direct CPCB to prepare noise pollution map and identify hotspots and categorize the cities with specified hotspots and propose a remedial action plan. Such report may be furnished within three months by e-mail at ngt.filing@gmail.com. We are informed that in 7 cities noise*

monitoring mechanism has already been established by the CPCB which is functioning on continuous basis and is connected to the server of CPCB. The CPCB may consider setting up such mechanism in all the cities which are found to be having noise level above approved the threshold.”

9. Apart from the above orders, it may be noted that vide order dated 16.01.2019 in O.A No. 606/2018¹⁶ the Tribunal directed the Chief Secretaries of all the States/UTs to appear in person with their reports on significant environmental issues affecting the health of people, including the issue of NACs¹⁷ dealt with in the present proceedings. On 23.04.2019, in O.A NO. 606/2018¹⁸, the Tribunal directed CPCB to explore preparation of Annual Environment Plan for the country giving status of compliance of environmental norms and gaps, if any. In the process, to undertake assessment of damage to the environment in monetary terms so that by applying the ‘Polluter Pays’ principle, the cost of damage is recovered from identified polluters. Further orders passed by the Tribunal which have direct bearing on air quality include action for management of bio-medical waste¹⁹, plastic waste management²⁰, prohibiting polluting activity in polluted industrial areas²¹ and remediation of legacy waste dump-sites in the country²².
10. We proceed to consider the status of compliance of our directions with regard to NACs. In the light of the report submitted by the CPCB on 15.07.2019. For convenience, we propose to consider the matter with reference to following questions:

¹⁶ Compliance of Municipal Solid Waste Management Rules, 2016

¹⁷ Para 40 of Order dated 16.01.2019

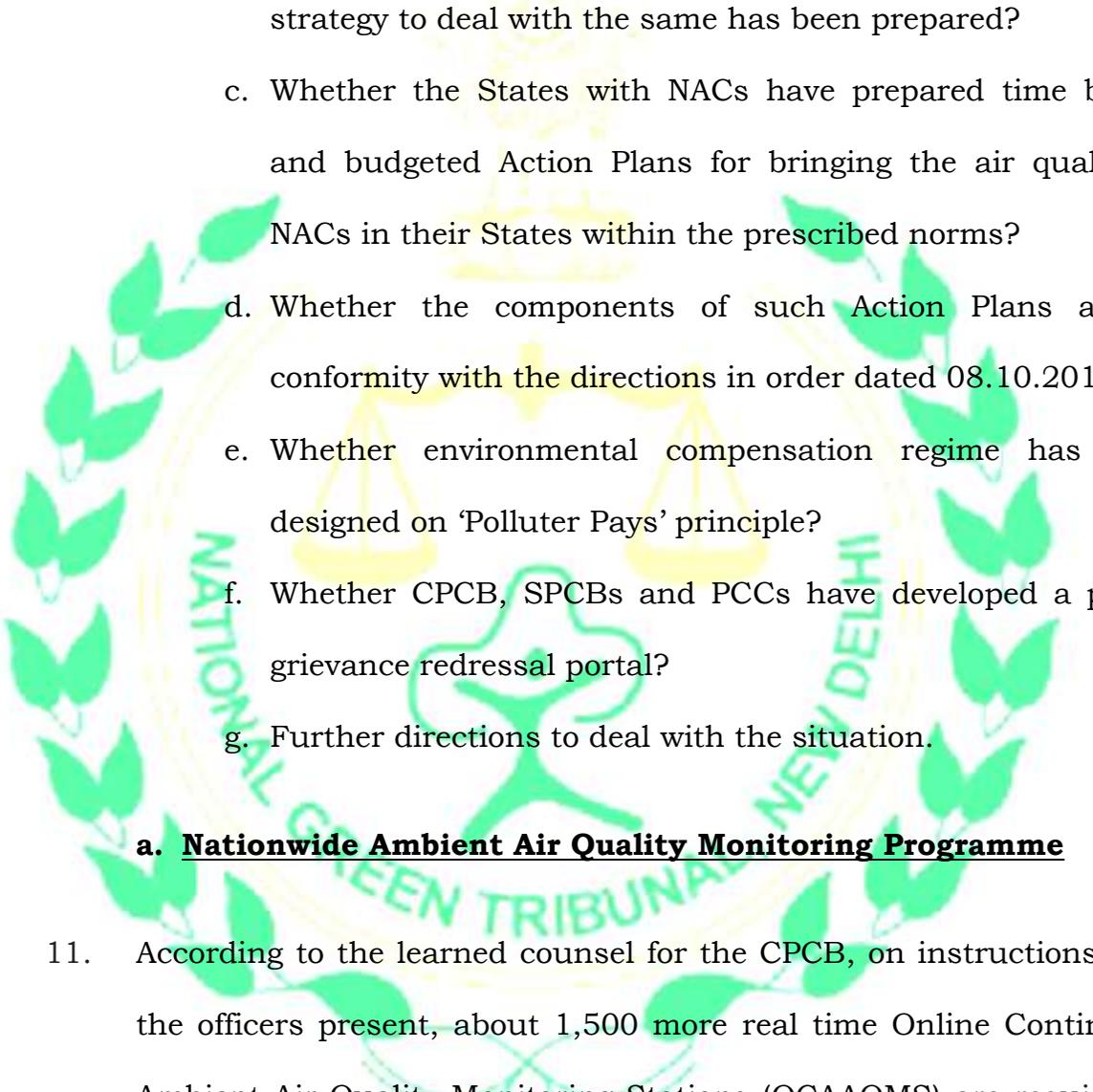
¹⁸ Compliance of Municipal Solid Waste Management Rules, 2016 (State of Tamil Nadu)

¹⁹ O.A No. 710/2017

²⁰ Execution Application No. 13/2019

²¹ O.A No. 1038/2018

²² O.A No. 519/2019 and O.A No. 386/2019

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- a. Whether a robust nationwide real time online continuous ambient air quality monitoring programme has been designed as admittedly there are shortcomings in the current air quality monitoring regime in view of area coverage and quality of data?
 - b. Whether more cities have been identified as NACs and strategy to deal with the same has been prepared?
 - c. Whether the States with NACs have prepared time bound and budgeted Action Plans for bringing the air quality of NACs in their States within the prescribed norms?
 - d. Whether the components of such Action Plans are in conformity with the directions in order dated 08.10.2018²³?
 - e. Whether environmental compensation regime has been designed on 'Polluter Pays' principle?
 - f. Whether CPCB, SPCBs and PCCs have developed a public grievance redressal portal?
 - g. Further directions to deal with the situation.

a. Nationwide Ambient Air Quality Monitoring Programme

11. According to the learned counsel for the CPCB, on instructions from the officers present, about 1,500 more real time Online Continuous Ambient Air Quality Monitoring Stations (OCAAQMS) are required to be installed to compile air quality data in the country. At present number of such stations is inadequate and consequently the correct

²³ (I) Identification of source of pollution; (II) Determining source apportionment including sectors like vehicular pollution, industrial pollution, dust pollution, construction activities, garbage burning, agricultural pollution including pollution caused by burning of crop residue, residential and indoor pollution etc; (III) measures for strengthening of Ambient Air Quality (AAQ) monitoring and (IV) Steps for public awareness including issuing of advisory to public for prevention and control of air pollution and involvement of schools, colleges and other academic institutions and awareness programmes.

picture/status with regard to number of NACs is not been reported and that the number could be more than what has been reported. Strict compliance be reported in terms of our orders dated 08.10.2018 and 15.03.2019. The report of the CPCB on the subject states minimum number of required stations both manual and CAAQMS in terms of number of people as per 2011 census:

Population (Census 2011)	Minimum No. of manual station under NAMP	Minimum no of proposed CAAQMS	Total
1,00,000- < 5,00,000	1-Background 2-Residential/ Commercial	1-Residential	4
5,00,000- <10,00,000	1-Background 2-Residential/ Commercial	1-Residential 1-Traffic dominant area 1- Commercial	6
10,00,000- <50,00,000	1-Background 2-Residential/ Commercial	2-Residential 1-Traffic dominant area 1- Commercial 1-Industrial area	8
>50,00,000	1-Background in upwind direction 1-Background in down wind direction 2-Residential/ Commercial	4-Residential 3-Traffic dominant area 3- Commercial 2-Industrial area	16

12. It will thus be appropriate that the optimal figure is duly worked out by the CPCB and whatever number of manual and real time online continuous AAQMS are found necessary to be installed, may be installed within six months and linked to the central server of CPCB. The action with regard to this is necessary from CPCB, SPCBs and PCCs. For this purpose, environmental compensation fund available with CPCB, SPCBs and PCCs may be utilized. It has been stated by the learned Counsel of CPCB that thousands of crores of funds are lying with SPCBs and PCCs under the 'Consent' head in addition to Environmental Compensation and these funds needs to be utilized for

environmental restitution. Accordingly, each State PCB and PCC may give details of such funds to this Tribunal and the CPCB within two months. The State PCBs and PCCs must also submit action plan for utilization of these funds to CPCB within next two months. The CPCB within two months thereafter scrutinize and approve the same in terms of our orders dated 08.10.2018 and 15.03.2019.

b. Interactive Public Grievance Redressal Portal

13. The CPCB has developed such a portal “Sameer”. On the same pattern, all the States/UTs need to develop their respective interactive portals within two months from today, if not already done clearly defining the accountable personnel for grievance redressal and time span for grievance redressal.

c. Directions for Additional NACs identified

14. As per report of the CPCB, 20 more cities have been identified as NACs as follows:

Sl. No.	State	Sl. No.	City
1.	Andhra Pradesh	1.	Anantapur
		2.	Chitoor
		3.	Eluru
		4.	Kadapa
		5.	Ongole
		6.	Rajahmundry
		7.	Srikakulam
		8.	Vizianagaram
2.	Gujarat	9.	Vadodara
3.	Maharashtra	10.	Thane
4.	Odisha	11.	Kalinga Nagar
5.	Tamilnadu	12.	Trichy
6.	Telangana	13.	Sangareddy
7.	Uttarakhand	14.	Dehradun
8.	West Bengal	15.	Asansol
		16.	Barrackpore
		17.	Durgapur
		18.	Haldia
		19.	Howrah
		20.	Raniganj

We feel that this number may increase further given the fact that there is a huge gap in terms of air quality monitoring regime in our country. Meanwhile, the action plans may need to be prepared by the respective States for the said 20 NACs also, by the concerned states within next three months and after its approval by CPCB within two months the States referred to above must initiate time bound action on remediation within next three months.

d. Action Plans for NACs

15. The report shows that action plans for 92 cities have been approved by the CPCB. Out of the 102 action plans that were submitted by 30.04.2019 the CPCB has not approved 10 NACs' action plans namely Guwahati, Nagaon, Nalbari, Sibsagar, Silchar (Assam), Dhanbad (Jharkhand), Bangalore (Karnataka), Mumbai, Nasik and Solapur (Maharashtra). CPCB has issued directions to the concerned States for implementation/revision of the said plans. The same ought to be finalized within two months. The States which have failed to comply in terms of our order dated 15.03.2019 are liable to pay CPCB, the environmental compensation as per the extent of default.

e. Components of Action Plans in conformity with order of this Tribunal

16. The action plans provide for short term, medium term and long-term strategies as well as source apportionment, carrying capacity studies, public awareness, complaint redressal mechanism and budgetary support. The implementation strategies mentioned in the report include source apportionment and carrying capacity assessment with a view to fix liability to enforce the regulatory regime. Since source

apportionment and carrying capacity assessment has not been done, a model/SOP for source apportionment and carrying capacity needs to be worked out within two months by the CPCB and replicated for all such cities. We may note that some models on carrying capacity have been noted in our order dated 29.07.2019 in O.A. No. 635/2017, *Ramesh Chand vs. State of Himachal Pradesh & Ors.*, Order dated 05.10.2018 in O.A. No. 218/2017, *Society for Preservation of Kasauli and its Environs (SPOKE) Vs. M/s Kasauli Glaxie Resorts and in Yogindra Mohan Sengupta Vs. UOI, MoEF&CC & Ors.*, Original Application No. 121/2014 in context of Shimla Planning Area. By these orders, in the areas of Shimla, Kasauli, Manali and Mcleodganj, construction and certain other activities have been prohibited and regulated. In addition to these, a report of CPCB dated 22.04.2019 filed in O.A No. 568/2016²⁴ on carrying capacity assessment may also need to be looked into. However, the said report is only with reference to PM₁₀ and PM_{2.5}, whereas other pollutants affecting the ambient air quality may also need to be factored in. Further, CPCB report on CEPI Scores for 100 Industrial Areas/Clusters monitored during 2018 is the manifestation of deteriorating environment in term of Water EPI, Air EPI and Land EPI²⁵. Accordingly, CEPI score has been evaluated. The CEPI score is itself a sort of manifestation of carrying capacity of 100 Industrial Aras/Clusters which warrants immediate action in terms of remediation and regulation to ameliorate the condition. The action plans must be read to include all components in terms of order of this Tribunal dated 08.10.2018.

²⁴ Ajay Khara Vs. M/S Container Corporations of India Limited & Ors. Report by the CPCB is in relation to Carrying Capacity for Air Quality for Delhi- NCR

²⁵ The same is subject matter of order of this Tribunal dated 10.07.2019 in O.A. No. 1038/2018

17. The timeline prescribed by CPCB in its report dated 15.07.2019 for reviewing action plans for further micro planning needs to be reduced from six months, preferably to four months in view of severity of problem and adverse impact of air pollutants on public health.

f. Compensation Regime

18. The compensation regime based on 'Polluter Pays' principle is necessary in view of inadequate action under criminal law. There are no figures available about the number of persons convicted and sentenced under the Air Act even though there are various estimates about number of deaths and diseases caused by air pollution.²⁶ The Tribunal is not in a position to verify the said figures, nor expresses any opinion about the correctness thereof. It is made clear that this order is not being based on the said figures but on the data compiled by the CPCB. The fact that number of NACs is rising steeply even though the monitoring regime does not cover all the regions in the country, is evidence of exponential rise in pollution. It also reflects inadequate monitoring and enforcement mechanism. The trend needs to be reversed by paradigm shift in monitoring and enforcement mechanism. The rule of law requires that a person committing an offence or violation is made accountable to law by punishment and by being required to pay monetary compensation on 'Polluter Pays' principle. CPCB must forthwith come out with a compensation regime

²⁶ **Report by the Indian Council of Medical Research** has stated- In 2017, air pollution accounted for 12.4 lakh deaths in India, which included 6.7 lakh deaths due to outdoor particulate matter air pollution and 4.8 lakh deaths due to household air pollution. [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) **As per the Lancet Journal-** 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. https://www.business-standard.com/article/current-affairs/air-pollution-kills-1-2-mn-indians-in-a-year-third-biggest-cause-of-death-119040300300_1.html **The study titled "State of Global Air 2019" reported that Air pollution kills 1.2 mn Indians in a year, third biggest cause of death.**

as long time has already gone by. The Air Act has been in operation for the last 38 years. With the expertise and data already available, the compensation regime can be finalized preferably within one month. While 'Sustainable Development' and 'Precautionary' principle may *inter-alia* require planning for reducing pollution, violation of norms cannot continue without remedial action. Law has to be enforced without waiting for any further time by suitable regulatory action by way of prosecution and by recovery of compensation. Since it appears that prosecutions are not even remotely proportionate to the extent of violation and may have their own limitations and constraints for the authorities, there is no justification for not taking prompt action by way of compensation recovery to enforce rule of law.

g. Further observations

19. As per the CPCB report dated 15.07.2019, there is a proposal for national level target of 20-30% reduction of PM_{2.5} and PM₁₀ concentration by 2024 under the National Clean Air Programme (NCAP) keeping 2017 as the base year. The timelines to reduce the air pollution by 20%-30% by 2024 needs to be reduced and the target of reduction needs to be increased, having regard to adverse effect on public health and in view of constitutional mandate of fundamental right to breathe clean air. Violation of such fundamental right cannot be allowed to be continued for such a longer time. The NCAP needs to be modified accordingly and a modified plan notified and implemented by the State instrumentalities in letter and spirit.
20. We note that the air pollution caused by DG Sets needs to be part of the action plans which may, if necessary, require retrofitting of

emission-control devices on generators already in use. CPCB may consider this aspect. The NCAP itself provides following action points:

- “1. *Introduction of gaseous fuels and enforcement of new and stringent SO₂- NO_x /PM_{2.5} standards for industries using solid fuels.*
2. *Stricter enforcement of standards in large industries through continuous monitoring.*
3. *Full enforcement of zig-zag brick technology in brick kilns.*
4. *Elimination of DG set usage by provision of 24x7 electricity.*
5. *Control by innovative end of pipe control technologies.*
6. *Evolve standards and norms for in-use DG sets below 800 KW category.*
7. *For DG Sets already operational, ensure usage of either of the two options: (a) use of retrofitted emission control equipment having a minimum specified PM capturing efficiency of at least 70%, type approved by one of the 5 CPCB recognized labs; or (b) shifting to gas-based generators by employing new gas-based generators or retrofitting the existing DG sets for partial gas usage*
8. *Utilize the Gujarat case study for a compelling case for other states to adopt third-party audits for polluting industries for enhancing implementation(States).”*

Thus, DG Sets should also be covered by the action plans for all the States/UTs.

21. The action plans also need to incorporate provisions for action against black carbon generators.
22. One of the causes of air pollution is growth of unplanned industrial activities in residential areas. At some places, such activities though prohibited, have been regularized without regard to environmental norms. The same can no longer be allowed to continue and provision has to be made for closing/shifting as per law laid down in *M.C. Mehta vs. Union of India, (2004) 6SCC 588*. The master plans need to be reviewed and wherever such activities are against existing or new norms, the same need to be closed/shifted.

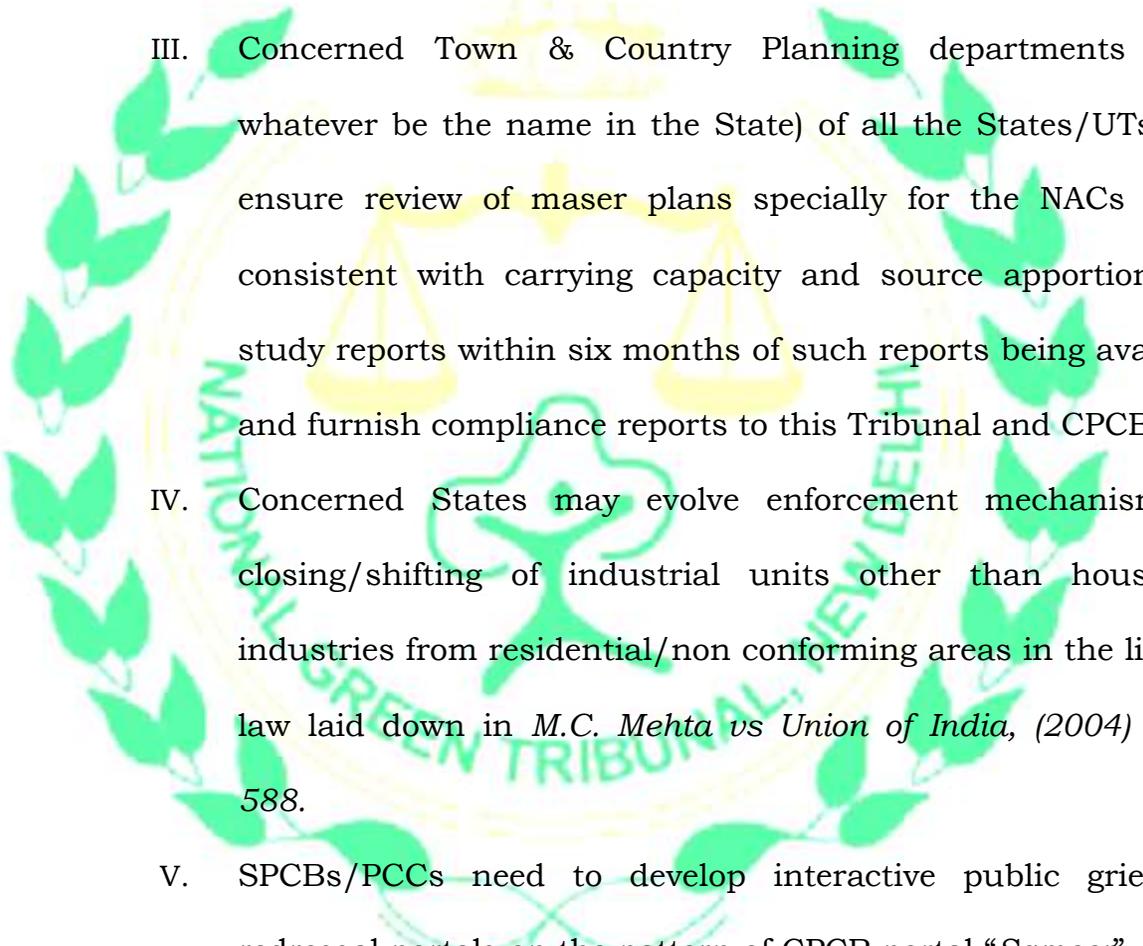
the installation of the limiter meters on noise generating equipments to be economically less viable. This cannot be a ground for not requiring such limiters to enforce the norms of noise pollution on the pattern followed in the States of West Bengal and Tripura. This Tribunal has already issued a direction in the context of Delhi to that effect that noise limiters in sound systems be installed and/or retrofitted, vide order dated 01.08.2019 in O.A. No. 519/2016, *Hardeep Singh & Ors. vs SDMC & Ors.* The said directions will apply to all the States/UTs. Appropriate notifications may be issued by the CPCB/SPCBs/PCCs within three months about the limiters being installed. The compensation regime for noise pollution needs to be worked out within one month by CPCB.

Directions:

26. In view of above discussion, we issue following directions:

- I. CPCB, SPCBs and PCCs need to ensure assessment and installation of the requisite number of real time Online Continuous AAQMS within six months from today and indicate progress in this regard before the next date.
- II. The Expert Team of CPCB to design a model/SOP for source apportionment and carrying capacity assessment within two months which may be replicated for all the NACs. In the light of such study, further action may need to be considered by MoEF&CC within three months thereafter in terms of regulating the number of vehicles, action in terms of shift to e-vehicles and CNG vehicles, intensifying public transport system, mechanical cleaning of roads, enhancement of public

parking facilities etc., improvement in fuel quality and traffic management, regulation of construction activities, strict adherence to siting guidelines with regard to stone crushers, mining, brick kilns, thermal power plants, coal handling, air polluting industries, hot mix plants, etc. Besides, activities like crop burning and burning of trash wood/leaves/debris for heating in winters to be strictly regulated and violations penalized as has been done by notifications for ESZ, CRZ, Ganga Flood plains etc.

- 
- III. Concerned Town & Country Planning departments (with whatever be the name in the State) of all the States/UTs may ensure review of master plans specially for the NACs to be consistent with carrying capacity and source apportionment study reports within six months of such reports being available and furnish compliance reports to this Tribunal and CPCB.
 - IV. Concerned States may evolve enforcement mechanism for closing/shifting of industrial units other than household industries from residential/non conforming areas in the light of law laid down in *M.C. Mehta vs Union of India*, (2004) 6SCC 588.
 - V. SPCBs/PCCs need to develop interactive public grievance redressal portals on the pattern of CPCB portal “Sameer” within two months if not already done.
 - VI. Actions Plans need to be prepared by States for the additional 20 NACs on the pattern of 102 NACs within three months and after its approval by CPCB within two months, States must initiate time bound action on remediation within next three months.

VII. CPCB may finalize the pending action plans within two months. Environmental compensation may be deposited by the defaulting States in terms of our order dated 15.03.2019 with the CPCB.

VIII. Timeline prescribed for reviewing action plans with regard to its report dated 15.07.2019 by the CPCB for further micro planning may be reduced from six months, preferably to four months. CPCB may give appropriate directions to the SPCBs/PCCs accordingly.

IX. CPCB must forthwith come out with a compensation regime within two months for air as well as noise pollution to the extent such norms have not yet been laid down.

X. Having regard to adverse impact on public health and constitutional mandate that right to clean air is a fundamental right, the MoEF&CC may modify the NCAP by reducing the timelines and increasing the target for reduction of air pollution.

XI. Noise Limiters need to be installed on potential noise polluting devices, including retrofitting the existing devices. Appropriate directions be issued by the States/UTs within three months in the same manner as directed by this Tribunal for Delhi vide order dated 01.08.2019 in *O.A. No. 519/2016, Hardeep Singh & Ors. vs SDMC & Ors.*

XII. The CPCB may also evaluate existing air quality monitoring mechanism of all States and UTs and furnish a report to this Tribunal before the next date in terms of capacity of its scientific and technical personnel both in terms of number of

personnel and skill/competence and outreach programmes on public awareness and suggestions for improvement.

XIII. The CPCB and States may have robust Emergency Response System and preparedness by way of mock drills and measures to be taken in the scenario when air pollution levels become severe plus and severe.

XIV. The SPCBs and PCCs to submit details of 'consent' funds to CPCB and this Tribunal within two months alongwith Action Plans on the basis of template provided by CPCB. CPCB may scrutinize and approve such action plans within two months in accordance to our order dated 22.01.2019 in O.A. No. 101/2019. Finally, the State PCBs and PCCs may execute their Action Plans within next one year thereafter.

XV. The Environmental Compensation levied by State Transport Departments may be divided in the ratio of 50:25:25 amongst the States, the SPCBs/PCCs and the CPCB.

Let further compliance reports be filed before the next date.

List for further consideration on 15.11.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

August 06, 2019
Original Application No. 681/2018
(I.A. No. 411/2019)
DV





ANDHRA PRADESH POLLUTION CONTROL BOARD

D.No.33-26-14D/2, Near Sunrise Hospital, Pushpa Hotel Centre,
Chalamalavari Street, Kasturibaipet, Vijayawada – 520 010
Phone. No.0866-2436217, Website : www.appcb.ap.nic.in

Lr. No. APPCB-12023/3/2018-SS-CL-APPCB - 45

Date: 20.04.2021.

To

1. The Director,
Municipal Administration and
Urban Development,
Office Complex, 3rd Floor,
Sri Krishna Enclave,
West Annapurna Nagar,
4th Lane, Extension, Gorantla,
Guntur - 522034.
2. The Commissioner,
Industries Department,
First Floor Government Regional Printing
Press Buildings,
Mutyalampadu St,
Vijayawada, 520011.
3. The Commissioner,
Transport Department,
APSRTC Bus Stand,
NTR Administrative Block,
3rd Floor,
Vijayawada – 520002.
4. The Commissioner and Director,
Agriculture Department,
Old Mirchi Yard, Nallapadu Road,
Chuttgartunta, Guntur – 522004.
5. The Special Secretary,
EFS&T Department,
A P Secretariat, Velagapudi
Amaravathi.
6. The Director General of Police,
Kolanukonda,
Mangalagiri,
Guntur District.
7. The Commissioner,
Civil Supplies Department,
Ashok Nagar, Bandar Road,
Vijayawada
8. The Regional Director,
National Highway Authority of India,
Gurunanak Nagar Colony Road,
Teachers Colony,
Vijayawada.
9. The Director,
Department of Mines & Geology,
Sri Anjaneya Towers,
D.No:7-104;B-Block,
5th & 6th Floors,
Ibrahimpattam, Vijayawada.
10. The Managing Director,
New & Renewable Energy Development
Corporation of Andhra Pradesh Ltd.,
12-464/5/1, River Oaks Apartments,
CSR Kalyana Mandapam Road,
Tadepalli, Guntur district.
11. The Managing Director,
AP Genco,
Transmission Corporation of
Andhra Pradesh Ltd.,
Vidyuth Soudha,
Gunadala, Eluru Road,
Vijayawada.
12. The Chief Managing Director
AP Transco,
Transmission Corporation of
Andhra Pradesh Ltd.,
Vidyuth Soudha,
Gunadala, Eluru Road,
Vijayawada
13. The Dy. Chief Controller of
Explosives,
M/s. Petroleum Explosive Safety
Organization,
D. No. 7-20-13, Kirlampudi Layout,
Visakhapatnam – 530 017.
14. The Managing Director,
Andhra Pradesh State Disaster
Management Authority(APSDMA)
Genious JRTowers, D.No.21/2B,
Pathuru Cross Road Center,
Kunchanapalli (P), Tadepalli (M).
Guntur District - 522501

Sir,

// Important – Follow – up on Hon'ble NGT Orders //

Sub:	APPCB – Hon'ble National Green Tribunal Orders/directions in OA No. 681/2018 of non-attainment cities on Air Pollution – Action plans approved by Central Pollution Control Board - Communicated for implementation - Reg.
Ref:	<ol style="list-style-type: none">1. Hon'ble NGT Orders/directions in O.A. No. - 681/2018, dated 08.10.2018, 06.08.2019, 20.11.2019 & 21.08.2020.2. EFS&T Department, Govt. of AP G.O.R.T. No. 167, dated 14.11.2018.3. CPCB Lr. No.AQM/AP/2019-20, dated 15.04.2019 (05 cities)4. APPCB Lr No.APCB-12025/1/2018-SS-CL-APPCB-, dated 22.04.2019 (05 cities).5. Chief Secretary, GoAP letter No.EFS01-ENVOPEST(COVC)/3/2020-Sec.1 Dated 06.11.2020 (1st Quarterly progress report for 05NACs)6. EFS&T Department, Govt. of AP G.O.R.T. No. 46, dated 11.06.2020.7. CPCB Lr. No.AQM/AP/2019-20, dated 24.03.2021 (08 cities)

** ** *

It is to inform that Hon'ble NGT has identified 13 cities/ towns in Andhra Pradesh as non-attainment cities for not meeting the Ambient Air Quality standards of PM10 concentration namely Vishakhapatnam, Vijayawada, Guntur, Nellore & Kurnool (05 cities) in first phase and Srikakulam, Vizianagaram, Rajamahendravarm, Eluru, Ongole, Chittoor, Kadapa and Ananthapur (08 cities) in second phase.

Action plans have been prepared for 5 cities viz., Visakhapatnam, Vijayawada, Guntur, Nellore and Kurnool by the AQM Committee and submitted to Central Pollution Control Board (CPCB). Further, CPCB has approved these action plans with certain recommendations and directed to implement with immediate effect and to submit the progress report to CPCB on quarterly basis vide reference 3rd cited.

CPCB approved action plans have been communicated to all the concerned stakeholder departments viz., Industries, Transport, Agriculture, EFS&T, Civil supplies and Traffic Police & Road Safety for implementation, vide reference 4th cited.

The Hon'ble NGT in its O.A No.681/2018, dated 20.11.2019, has issued certain directions wherein it was directed that the States/UTs to submit the micro level action plan for all non-attainment cities by 30.06.2020.

Based on the information furnished by the stakeholder departments, APPCB in coordination with CSE, New Delhi, revised action plans were prepared for 08 non-attainment cities and placed before AQMC in its meeting dated 25.02.2021. The AQMC has approved the revised action plans for control of air pollution in the eight non-attainment cities of Andhra Pradesh namely, Srikakulam, Vizianagaram, Rajamahendravaram, Eluru, Ongole, Chittoor, Kadapa and Ananthapur. The AQMC approved revised action plans have been communicated to CPCB for approval.

Further, the CPCB has approved these revised action plans with certain recommendations and directed to implement with immediate effect and to submit the progress report to CPCB on quarterly basis, vide reference 7th cited. (Copy enclosed).

In view of the above, it is requested to implement the action plans of 08 non attainment cities of Andhra Pradesh as per the directions and submit the quarterly implementation progress report here onwards on timely basis as per CPCB robust format (Copy enclosed).

Yours sincerely,

Encls: As above.

Sd/-
MEMBER SECRETARY

// T.C.F.B.O //



**SENIOR ENVIRONMENTAL ENGINEER
UNIT - II**

Copy to:

1. The Secretary, Environment, Forest, Science & Technology (EFS & T), A. P. Secretariat, 4th Block, Velagapudi, Amaravathi for favour of kind information and necessary action.
2. The Principal Secretary, Municipal Administration & Urban Development Dept., AP Secretariat, 2nd Block, Velagapudi, Amaravathi for favour of kind information and necessary action.
3. The Special Chief Secretary, Transport Department, 5th Block, AP Secretariat, Velagapudi, Amaravathi for favour of kind information and necessary action.
4. The Principal Secretary, Department of Home, 2nd Block A.P. Secretariat Office, Velagapudi, Amaravathi for favour of kind information and necessary action.
5. The Special Chief Secretary, Agriculture & Co-operation Department, 4th Block, AP Secretariat, Velagapudi, Amaravathi for favour of kind information and necessary action.
6. The Principal Secretary, Civil Supplies Department, 5th Block, A.P. Secretariat Office, Velagapudi, Amaravathi for favour of kind information and necessary action.
7. The Additional Director General of Police, Road Safety, Kolanukonda, Mangalagiri, Guntur District for favour of information and necessary action.
8. The District Collector & Magistrate, Srikakulam / Vizianagaram / East Godavari / West Godavari / Prakasam / Chittoor / Anantapuram and Kadapa District for favour of information and necessary action.
9. The Chief Environmental Engineer, Head Office, A.P. Pollution Control Board, Vijayawada for favour of information and necessary action.
10. The Joint Chief Environmental Engineer, A.P. Pollution Control Board, Visakhapatnam, Vijayawada and Kurnool, for continuous persuasion with the concerned stakeholder departments / organizations.
11. The Senior Environmental Scientist, Central Laboratory, Head Office, A.P. Pollution Control Board, Vijayawada for favour of information and necessary action.
12. The Environmental Engineer, Regional Office, A.P. Pollution Control Board, Srikakulam / Vizianagaram / Kakinada / Eluru / Ongole / Tirupathi / Anantapuram and Kadapa for onward forwarding of approved action plan to Municipalities / Agriculture Department / Transport Department / Mining Department / Civil Supplies Department / District Industries Department / A.P. Police Department for continuous persuasion and to convene city level implementation committee meetings.

ANDHRA PRADESH POLLUTION CONTROL BOARD

D.No.33-26-14D/2, Near Sunrise Hospital, Chalamalavari Street,
Kasturibaipet, Vijayawada – 520 010
Phone No. 0866 – 2463200, Website: pcb.ap.gov.in

Lr. No. APPCB-12022/4/2018-SS-CL-APPCB**28/08/2021.**

Sub	APPCB – LAB – Noise pollution control – Directions to the designated authorities in compliance of the directions issued by Central Pollution Control Board under Section 5 of the Environment (Protection) Act, 1986 - Implementation of Compensation Regime for violation of Noise Pollution (Regulation and Control) Rules, 2000 – Issued – Reg.
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WHEREAS, under Section 17 (1) (a) of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the State Pollution Control Boards (SPCBs) / Pollution Control Committees (PCCs) is to plan comprehensive programme for the prevention, control or abatement of air pollution in the State and to secure the execution thereof, and

WHEREAS, under Section 2 (a) of the Air (Prevention & Control of Pollution) Act, 1981, noise is defined as air pollutant; and

WHEREAS, as per the Noise Pollution (Regulation and Control) Rules, 2000 notified under the Environment (Protection) Act, 1986, following responsibilities are vested with State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs):

1. The noise levels in any area / zone shall not exceed the ambient air quality standards in respect of noise as specified in the Schedule, and
2. The respective State Pollution Control Board or Pollution Control Committee in consultation with the Central Pollution Control Board shall collect, compile and publish technical and statistical data relating to noise pollution and measures devised for its effective prevention, control and abatement.

WHEREAS, as per rule 4 (2) of the Noise Pollution (Regulation and Control) Rules, 2000 of Environment (Protection) Act, 1986, the designated authority is responsible for the enforcement of noise pollution control measures and the due compliance of the ambient air quality standards in respect of noise.

WHEREAS, Police Department, Transport Department, Municipal Department and Pollution Control Board of Andhra Pradesh are the designated authorities to implement the Noise Pollution (Regulation and Control) Rules, 2000 as per the Environment, Forests, Science & Technology Department, Government of Andhra Pradesh, G.O. Ms. No. 172, dated 12.10.2010.

WHEREAS, Section 15 (1) of the Environment (Protection) Act, 1986 states that “Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.”

WHEREAS, Section 9 (3) of the Environment (Protection) Act, 1986 states that “The expenses, if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Government may, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand.”

WHEREAS, in the matter of O. A. No. 519/2016, 496/2018, 196/2018 and 197/2018 dated 01.08.2019, Hon’ble NGT directed CPCB as follows:

“The CPCB needs to devise the scale of compensation to be adopted as a measure to enforce the Rule 4 (2) of the Noise Pollution (Regulation and Control) Rules, 2000 by the concerned authority on the basis of ‘Polluter Pays’ principle. Though violation of the rules like the Noise Rules here, is a criminal offence punishable under Section 15 of the Environment (Protection) Act, 1986 with imprisonment upto five years and fine upto Rs. 1 lakh, since prosecution of a non-cognizable offence may have its own limitations, civil liability on ‘Polluter Pays’ principle can be invoked by the enforcement regulatory authority as per the guidelines which may be laid down by the CPCB. The scale of compensation may have reference to the extent and severity of default and whether the default is a repeated offence.”

WHEREAS, in compliance to directions of Hon’ble NGT, CPCB prepared scale of compensation for violation of the Noise Pollution (Regulation and Control) Rules, 2000 and submitted report to Hon’ble NGT on 14/11/2019; and

WHEREAS, Hon’ble NGT vide order dated 15.11.2019 directed CPCB as:

1. Compensation for bursting of crackers at serial no. 4 needs to be suitably revised and needs to be different for different class of defaulters and frequencies of default.
2. CPCB may lay down stringent compensation for tampering with sound limiters to ensure that same is no restored to.

WHEREAS, in compliance to the directions of Hon’ble NGT, CPCB prepared revised report on scale of compensation for violation of the Noise Pollution (Regulation and Control) Rules, 2000 and submitted report to Hon’ble NGT on 12.06.2020; and

WHEREAS, in the matter of O. A. No. 519/2016, 496/2018, 196/2018 and 197/2018 dated 11.08.2020, Hon'ble NGT further directed CPCB as follows:

“While we find that certain steps have been taken by the Delhi Police, Delhi Government, DPCC and the CPCB, further steps are required to ensure that the noise pollution norms are enforced at the ground level for protection of public health and the environment in the light of orders already passed. We are of the view that the compensation scale laid down by the CPCB may be enforced throughout India. The CPCB may issue appropriate statutory orders for the purpose for being complied with in all the States / UTs.”

WHEREAS, CPCB, in compliance of directions of the Hon'ble NGT directed State Pollution Control Boards for issuance of directions to the designated authorities of the State to implement scale of compensation for violation of the Noise Pollution (Regulation and Control) Rules, 2000, as accepted by Hon'ble NGT.

NOW, THEREFORE, in view of the above stated facts and to ensure compliance of the existing rules and prevent further violation of noise rules with respect to prescribed standards and in pursuance of the directions issued by the Central Pollution Control Board under Section 5 of the Environment (Protection) Act, 1986, the Andhra Pradesh Pollution Control Board hereby directs the designated authorities in the State of Andhra Pradesh for implementation of the **Scale of Compensation** for violation of the Noise Pollution (Regulation and Control) Rules, 2000 as endorsed by the Hon'ble National Green Tribunal. Copy of the compensation regime is annexed.

Acknowledge the receipt of this direction within 15 days and shall communicate the status on the action plan and its implementation. Further records pertaining to compensation levied shall be maintained and quarterly reports to this effect shall be furnished to Andhra Pradesh Pollution Control Board.

Ashwini Kumar Parida Ias(retd)
Chairman
CHAIRMAN

Encls: 1. Hon'ble NGT Order, dated 11.08.2020.
2. CPCB directions, dated 27.04.2021.

To

1. The Commissioner, Municipal Administration Department, Sri Krishna Enclave, Annapurnanagar, 5th Lane, Gorantla, Guntur Dist – 522 034, Andhra Pradesh.
2. The Commissioner, Transport Department, 3rd floor, NTR Administrative block, PNBS Complex, Vijayawada, Andhra Pradesh.
3. The Director General of Police, Kolanukonda, Mangalagiri, Guntur District, Andhra Pradesh.

Copy to the Secretary to Govt. of Andhra Pradesh, Environment, Forests, Science

& Technology Department, 4th block, A P Secretariat, Velagapudi, Amaravathi, Andhra Pradesh for information and necessary action.

Annexure

S. No.	Violation of noise rules	Compensation (in Rupees) to be paid by defaulter	Action to be taken by designated authority
1	Use of loud speakers / public address system (Clause 5 (1) – 5 (2), 6 (i, ii, iii and v) 1 – 5.	₹10,000/-	Seizure
2	Violation with reference to Generator sets norms (standards attached as Annexure – IV to VI).		
a)	DG sets more than 1000 KVA	₹10,000/-	Sealing of DG sets
b)	DG sets 62.5 to 1000 KVA	₹25,000/-	
c)	DG sets upto 62.5 KVA	₹10,000/-	
3	Violation of use of sound emitting construction equipment.	₹50,000/-	Seizure / Sealing of equipment
4	Bursting of Firecrackers beyond the prescribed time limit prescribed (Hon'ble Supreme Court and Clause 5A (2) and 6 (iv) 7- 8		
4 (1)	Violation by Individual / Household	Residential / Commercial / Mixed Zone / Silence Zone	Silence zone
		₹1,000/-	₹3,000/-
4 (2)	Violation during Procession a. Public Rallies b. Barat during marriage c. Religious event.	₹10,000/-	₹20,000/- Fine to be paid by Organizer
4 (3)	First Violation within a fixed Premises: a. Function organized b. Marriage Function c. Public Function d. Institution function e. Banquet Hall f. Open ground functions.	₹20,000/-	Fine to be paid by Organizer and Owner of the place.

4 (4)	Second Violation within a fixed Premises: a. Function organized by RWA b. Marriage Function c. Public Function d. Institution function e. Banquet Hall Open ground function.	₹20,000/-	
4 (5)	More than Two Violation within a fixed Premises: a. Function organized by RWA b. Marriage Function c. Public Function d. Institution function e. Banquet Hall Open ground function.	₹1,00,000/- and action under Environment (Protection) Act, 1986	Sealing of Premises

Note:

1. Clause 5 (1): A loud speaker or a public address system shall not be used except after obtaining written permission from the authority.
2. Clause 5 (2): A loud speaker or a public address system or any sound producing instrument or a musical instrument or a sound amplifier shall not be used at night time except in closed premises for communication within, like auditoria, conference rooms, community halls, banquet halls or during a public emergency.
3. Clause 6 (1) Playing any music or uses any sound amplifiers in any place covered under the silence zone/area are prohibited.
4. Clause 6 (ii): Beating a drum or tom-tom or blows a horn either musical or pressure, or trumpet or beats or sounds any instrumenting any place covered under the silence zone/area are prohibited.
5. Clause 6 (iii): Exhibits any mimetic, musical or other performances of a nature to attract crowds in any place covered under the silence zone/area are prohibited.
6. Clause 5 (A) (3): Sound emitting construction equipment shall not be used or operated during-night time in residential areas and silence zones.
7. Sound emitting fire crackers shall not be burst in silence zone or during' night time in each zone;
8. As per directions of Hon'ble Supreme court, following time limits are prescribed for bursting fire crackers:

Diwali: 8 pm to 10 pm,
Gurpurb: 4am to 5 am and 9 pm to 10 pm New year and
Christmas: 11.55 P.M to 12.30 A.
9. It may be noted that imposition of fine for notification of Rule 5A (1) falls within the purview of Motor Vehicle Rules, 2019".

Item Nos. 05 & 06

Court No. 1

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

Original Application No. 681/2018
(I.A. No. 411/2019)
WITH
Original Application No.10/2019 (EZ)

News item published in "The Times of India" Authored by Shri Vishwa
Mohan

Titled

"NCAP with multiple timelines to clean air in 102 cities to be released
around August 15"

WITH

Dr. Gautam Ghosh

Applicant(s)

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 15.11.2019

Date of Order: 20.11.2019

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
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

ORDER

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I. The Issue: Remedial Action for air pollution in 122 Non-Attainment Cities (NACs)

1. This order is being passed in continuation of order dated 06.08.2019 on the subject of remedial measures to be adopted to enforce the Ambient Air Quality Standards with reference to the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (the Air Act) and the Environment (Protection) Act, 1986 (the EPA Act) in cities classified as 'Non-Attainment Cities' (NACs)¹ based on monitoring of the ambient air quality. Further question is compliance of Noise Pollution (Regulation and Control) Rules, 2000 (Noise Rules) framed under the provisions of the EPA Act.

II. Order dated 08.10.2018

2. Vide order dated 08.10.2018, this Tribunal noticed the newspaper report² to the effect that 102 cities were identified as NACs for not meeting the prescribed standards of air quality. The Air Act stipulates stopping of any activity violating norms of air quality and taking steps

¹ NAC has been defined as those "Cities which are exceeding annual average concentrations of any of the notified parameters with respect to National Ambient Air Quality Standards for consecutively five years".

² Dated 03.08.2019 in the Times of India under the heading "NCAP with multiple timelines to clean air in 102 cities to be released around August 15".

for prosecution or other regulatory measures³ which have been read to include recovery of compensation on 'Polluter Pays' principle⁴. National Ambient Air Quality Standards are laid down under Section 16(2)(h) of the Air Act.⁵ The Central Pollution Control Board (CPCB) compiled its report with reference to the said standards and published a list of 102 NACs⁶. The GoI prepared National Clean Air Programme (NCAP) proposing to reduce the pollution in next 10 years - 35% in next 3 years, 50% in next 5 years and 70-80% in next 10 years. It may be noted that as a result of such exercise, earlier in the year 2017 number of NACs was 95⁷ which number increased to 102 in the year 2018 and has now reached 122. This shows that action taken so far is inadequate and does not match the increasing pollution. Apart from this, the real number might increase further if complete and accurate data is collected.

3. The Tribunal noted the concern arising from such large scale air pollution which grapples the country in spite of statutory mechanism under the Air Act, directions of the CPCB under section 18(1)(b), dated 29.12.2015 and directions of the Hon'ble Supreme Court for control of **vehicular pollution⁸, industrial and construction sector pollution⁹, power sector pollution¹⁰ and agricultural sector**

³ Section 22 read with Section 31A of the Air Act and

⁴ Aryavart Foundation Vs. M/s Vapi Green Enviro Limited & Ors.O.A No. 95/2018, Indian Council for Enviro Legal Action & Ors. v. Union of India & Ors. (1996) 3 SCC 212 Para 16, Vellore Citizens Welfare Forum v. Union of India & Ors. (1996)5SCC647 Para 12 to 18 - holding that 'Polluter Pay' principle is accepted principle and part of environmental law of the country, even without specific statute.

⁵ Notification dated 12.11.2009 issued by the CPCB

⁶ https://cpcb.nic.in/uploads/Non-Attainment_Cities.pdf

⁷ <http://cpcbenviis.nic.in/airpollution/finding.htm>. Based on ambient air quality data obtained (2008-2010) under National Air Quality Monitoring Programme (NAMP)

⁸ M.C. Mehta v. Union of India (1985)2 SCC 431, M.C. Mehta v. Union of India (2001) 3 SCC 756, M.C. Mehta v. Union of India (1998) 6 SCC 63, M.C. Mehta v. Union of India (2002) 3 SCC 356, M.C. Mehta v. Union of India (1998) 6 SCC 60

⁹ M.C. Mehta v. Union of India (1997) 2 SCC 353, M.C. Mehta v. Union of India and Shriram Foods and Fertilizer Industries and Anr. (1986) 2 SCC 235, Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P. (1985) 2SCC 431, Mohd. Haroon Ansari v. District Collector (1998) 6 SCC 60, Union of India v. Union Carbide Co. (1989) 1 SCC 674, M.C. Mehta v. Union of

pollution¹¹ and orders of this Tribunal dealing with the said issues¹². The Tribunal also referred to a Comprehensive Action Plan (CAP) for air pollution control for NCR prepared in pursuance of order of the Hon'ble Supreme Court dated 06.2.2017 by the Environment Pollution (Prevention and Control) Authority (EPCA) in consultation with the CPCB and DPCC on 05.04.2017¹³ and Graded Response Action Plan (GRAP) notified by the MoEF&CC on 12.01.2017 stipulating specific steps for different levels of air quality such as **improvement in emission and fuel quality and other measures for vehicles, strategies to reduce vehicle numbers, non-motorised transport network, parking policy, traffic management, closure of polluting power plants and industries including brick kilns, control of generator sets, open burning, open eateries, road dust, construction dust, etc.**¹⁴

4. Implementation of prescribed norms in the light of legal provisions and court directions remains a challenge. The consequence is that India is being ranked high in terms of level of pollution compared to many other countries with enormous adverse impact on public health. Most victims are children, senior citizens and the poor.¹⁵

India (1992) 4 SCC 256, Sterlite Industries (India) Ltd. etc. v. Union of India & Ors.(2013) 4SCC 575 , M.C. Mehta v. Union of India (2004) 6 SCC 588, M.C. Mehta v. Kamal Nath (2000)6 SCC 213

¹⁰ Consumer Education and Research Centre v. Union of India (1995)3 SCC 42, Dahanu Taluka Environment Protection group and Ors. v. Bombay Suburban Electricity Supply Company Ltd. and Ors (1991) 2SCC 539

¹¹ Arjun Gopal and Ors v. Union of India and Ors (2017) 16 SCC 280, Dr. B.L Wadhwa v. Union of India and Ors (1996) 2 SCC 594

¹² Vardhman Kaushik v. Union of India and Ors. O.A no. 21 of 2014, Vikrant Kumar Tongad v. Environment Pollution (Prevention and Control) Authority and Ors, O.A No. 118 of 2013, Satish Kumar v. Union of India and Ors, O.A. No. 56 (THC) OF 2013, Smt. Ganga Lalwani V. Union of India and Ors. O.A No. 451 of 2018

¹³ Report No.71, EPCA-R/2-17/L-21, Comprehensive Action Plan for air pollution control with the objective to meet ambient air quality standards in the National Capital Territory of Delhi and National Capital Region, including states of Haryana, Rajasthan and Uttar Pradesh.

¹⁴ S.O.118(E), Notification, Ministry of Environment, Forest and Climate Change

¹⁵ <https://www.thehindu.com/sci-tech/energy-and-environment/india-ranks-177-out-of-180-in-environmental-performance-index/article22513016.ece>, <https://www.ndtv.com/delhi-news/delhis-air-pollution-has-caused-of-death-of-15-000-people-study-1883022>.

5. The GRAP categorises levels of pollution as severe plus, severe, very poor, moderate to poor. The action to be taken in such situations includes stopping entry of trucks, stopping construction activities, odd and even scheme of private vehicles, shutting of schools, closing of brick kilns, stone crushers, hot mix plants, power plants, intensifying public transport services, mechanised cleaning of road, and sprinkling of water, stopping the use of diesel generator sets, enhancing parking fees, etc.

6. The MoEF&CC has by various notifications put restriction on activities in Coastal areas, Flood plains, Taj corridor Eco-sensitive zones, etc. in view of ecological sensitivity and impact of such activities on environment if such activities are carried out in unregulated areas. This needs to be extended to the NACs in view of impact on public health and environment to give effect to the 'Precautionary' and 'Sustainable Development' principles.

7. The Tribunal, after consideration of the issue on 08.10.2018, directed as follows:

" i. All the States and Union Territories with non-attainment cities must prepare appropriate action plans within two months aimed at bringing the standards of air quality within the prescribed norms within six months from date of finalization of the action plans.

ii. The Action Plans may be prepared by six-member committee comprising of Directors of Environment, Transport, Industries, Urban Development, Agriculture and Member Secretary, State Pollution Control Board or Committee of the concerned State. The Committee may be called Air Quality Monitoring Committee (AQMC). The AQMC will function under the overall supervision and coordination of Principal Secretary, Environment of the concerned State/Union Territory. This may be further supervised by the Chief Secretaries concerned or their counterparts in Union Territories by ensuring intra-sectoral co-ordination.

iii. The Action Plans may take into account the GRAP, the CAP and the action plan prepared by CPCB as well as all other relevant factors. The Action Plans may be forwarded to the CPCB by 31.12.2018. The same may be placed before the Committee as directed in direction no. vi. The Action Plan will include components like identification of source and its apportionment considering sectors like vehicular pollution, industrial pollution, dust pollution, construction activities, garbage burning, agricultural pollution including pollution caused by burning of crop residue, residential and indoor pollution etc. The action plan shall also consider measures for strengthening of Ambient Air Quality (AAQ) monitoring and steps for public awareness including issuing of advisory to public for prevention and control of air pollution and involvement of schools, colleges and other academic institutions and awareness programmes.

iv. The Action Plan will indicate steps to be taken to check different sources of pollution having speedy, definite and specific timelines for execution.

v. The Action Plan should be consistent with the carrying capacity assessment of the non-attainment cities in terms of vehicular pollution, industrial emissions and population density, extent of construction and construction activities etc. The carrying capacity assessment shall also lay emphasis on agricultural and indoor pollution in rural areas. Depending upon assessed carrying capacity and source apportionment, the authorities may consider the need for regulating number of vehicles and their parking and plying, population density, extent of construction and construction activities etc. Guidelines may accordingly be framed to regulate vehicles and industries in non-attainment cities in terms of carrying capacity assessment and source apportionment.

vi. The Committee comprising of (a) Shri. Prashant Gargava, Member Secretary, CPCB, (b) Dr. Mukesh Khare, Professor, IIT Delhi, and (c) Dr. Mukesh Sharma, Professor, IIT Kanpur shall examine the Action Plans and on the recommendations of the said Committee, the Chairman, CPCB shall approve the same by 31.01.2019.

vii. The Chief Secretaries of the State and Administrators/ Advisors to Administrators of the Union Territories will be personally accountable for failure to formulate Action Plans, as directed.

viii. The CPCB, SPCBs and State Pollution Control Committees shall develop a public grievance redressal portal for redressal of public complaints on air pollution along with a supervisory mechanism for its disposal in a time bound manner. Any visible air pollution can be reported at such portal by email/SMS.



ix. The CPCB and all the State Pollution Control Boards and Pollution Control Committees shall collectively workout and design a robust nationwide ambient air quality monitoring programme in a revised format by strengthening the existing monitoring network with respect to coverage of more cities/towns. The scope of monitoring should be expanded to include all twelve (12) notified parameters as per Notification No B-29016/20/90/PCI-L dated 18th November, 2009 of CPCB. The continuous Ambient Air Quality Monitoring Stations (AAQMS) should be preferred in comparison to manual monitoring stations. The CPCB and States shall file a composite action plan with timelines for its execution which shall not be more than three months. It is expected that all such AAQMS shall be connected to central server of CPCB for reporting analysis of results in a form of Air Quality Bulletin for general public at regular intervals atleast on weekly basis and ambient air quality on continuous basis on e-portal. MoEF&CC will provide requisite funds for the purpose. MoEF&CC in consultation with Ministry of Housing and Urban Affairs, MoRTH, Ministry of Petroleum and Natural Gas, Ministry of Agriculture, Cooperation and Farmers Welfare or any other Ministry to lay down such guidelines as may be considered necessary for improvement of air quality in the country.”

III. Order dated 15.03.2019

8. Thereafter, compliance of the above directions was reviewed on 15.03.2019 in the light of report submitted by the CPCB on 15.02.2019. The Tribunal observed:

“5. In pursuance to the above, the CPCB has filed compliance report vide e-mail dated 15.02.2019. An updated status report has been furnished during the hearing by the learned counsel for the CPCB which is as follows:-

“Action Plan received: 83 cities
Action plan not received: 19 cities
Action Plan approved by CCB: 46
Action Plan not approved by CCB: 11
Action Plan under Review: 26+3 (three revised plan of Telangana received)

Monitoring Network worked out in consultation with SPCBs”.

6. The question is the action to be taken for non-compliance by the States in not preparing action plans or incomplete plans and further directions for execution of plans.

7. Non-compliance of order of this Tribunal is a criminal offence under Section 26 of the National Green Tribunal Act, 2010 and in case of Government, Head of the Department is deemed to be guilty for such an offence. Punishment provided is sentence upto three years or fine upto Rs. 10 crores or both with additional fine for the every day's failure. Under Section 25 of the NGT Act, 2010, order of the Tribunal is decree of Civil Court to be executed as per Civil Procedure Code. Section 51 Civil Procedure Code provides civil imprisonment as a mode for enforcing the decree. Alternatively, such further order can be passed as may be necessary to secure compliance.

8. Vide order dated 16.01.2019 in O.A. No. 606/2018, the Tribunal directed Chief Secretaries of all the States to appear in person and furnish compliance of various orders of this Tribunal, including the above order dated 08.10.2018 with regard to non-attainment cities. The Chief Secretaries of five States have already appeared and most of the States have are still non-compliant. They have been directed to take necessary steps with improved institutional mechanism and approach.

9. In view of non-compliance of orders of this Tribunal, on an important issue adversely affecting public health and lives of citizens, inspite of serious consequences statutorily provided by the Parliament, we direct Chief Secretaries of the States in respect of which action plans have not been filed i.e. Assam, Jharkhand, Maharashtra, Punjab, Uttarakhand and Nagaland to forthwith furnish such action plans. If such action plans are not furnished till 30.04.2019, the States will be liable to pay environment compensation of Rs. 1 crore each. The States, where action plans are found to be deficient and deficiencies are not removed till 30.04.2019, will be liable to pay Rs. 25 lacs each. The timeline for execution of the action plans is six months from the date of finalization of action plan. Budgetary provision must be made for execution of such plans.

10. If action plans are not executed within the specified timeline mentioned above, the defaulting States will be required to pay Environmental Compensation and may also be

required to furnish performance guarantee for execution of plans in extended timeline as per recommendations received from CPCB. The CPCB may make its recommendation in the matter before the next date.

11. The CPCB is directed to update the number of cities. If on parameters applied, there are other cities, not included in list of 102, such cities may be also included.

12. We also direct CPCB to prepare noise pollution map and identify hotspots and categorize the cities with specified hotspots and propose a remedial action plan. Such report may be furnished within three months by e-mail at ngt.filing@gmail.com. We are informed that in 7 cities noise monitoring mechanism has already been established by the CPCB which is functioning on continuous basis and is connected to the server of CPCB. The CPCB may consider setting up such mechanism in all the cities which are found to be having noise level above approved the threshold.”

IV. Order dated 16.01.2019

9. Apart from the above orders, it may be noted that vide order dated 16.01.2019 in O.A No. 606/2018¹⁶ the Tribunal directed the Chief Secretaries of all the States/UTs to appear in person with their reports on significant environmental issues affecting the health of people, including the issue of NACs¹⁷ dealt with in the present proceedings. On 23.04.2019, in O.A No. 606/2018¹⁸, the Tribunal directed CPCB to explore preparation of Annual Environment Plan for the country giving status of compliance of environmental norms and gaps, if any. In the process, to undertake assessment of damage to the environment in monetary terms so that by applying the ‘Polluter Pays’ principle, the cost of damage is recovered from identified polluters. Further orders passed by the Tribunal which have direct bearing on air quality include **action for management of bio-**

¹⁶ Compliance of Municipal Solid Waste Management Rules, 2016

¹⁷ Para 40 of Order dated 16.01.2019

¹⁸ Compliance of Municipal Solid Waste Management Rules, 2016 (State of Tamil Nadu)

medical waste¹⁹, plastic waste management²⁰, prohibiting polluting activity in polluted industrial areas²¹ and remediation of legacy waste dump-sites in the country²².

V. Order dated 06.08.2019

10. The matter was reviewed on 06.08.2019 in the light of the earlier proceedings and report dated 15.07.2019 filed by the CPCB.

Following questions were framed for consideration:

- “ a. Whether a robust nationwide real time online continuous ambient air quality monitoring programme has been designed as admittedly there are shortcomings in the current air quality monitoring regime in view of area coverage and quality of data?
 b. Whether more cities have been identified as NACs and strategy to deal with the same has been prepared?
 c. Whether the States with NACs have prepared time bound and budgeted Action Plans for bringing the air quality of NACs in their States within the prescribed norms?
 d. Whether the components of such Action Plans are in conformity with the directions in order dated 08.10.2018²³?
 e. Whether environmental compensation regime has been designed on ‘Polluter Pays’ principle?
 f. Whether CPCB, SPCBs and PCCs have developed a public grievance redressal portal?
 g. Further directions to deal with the situation.”*

10.1 With reference to (a), it was found that number of 1500 real time Online Continuous Ambient Air Quality Monitoring Stations (OCAAQMS) was inadequate. CPCB suggested following number of minimum such stations based on 2011 consensus:

Population	Minimum No. of	Minimum no of	Total
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¹⁹ O.A No. 710/2017

²⁰ Execution Application No. 13/2019

²¹ O.A No. 1038/2018

²² O.A No. 519/2019 and O.A No. 386/2019

²³ (I) Identification of source of pollution; (II) Determining source apportionment including sectors like vehicular pollution, industrial pollution, dust pollution, construction activities, garbage burning, agricultural pollution including pollution caused by burning of crop residue, residential and indoor pollution etc; (III) measures for strengthening of Ambient Air Quality (AAQ) monitoring and (IV) Steps for public awareness including issuing of advisory to public for prevention and control of air pollution and involvement of schools, colleges and other academic institutions and awareness programmes.

(Census 2011)	manual station under NAMP	proposed CAAQMS	
1,00,000- < 5,00,000	1-Background 2-Residential/ Commercial	1-Residential	4
5,00,000- <10,00,000	1-Background 2-Residential/ Commercial	1-Residential 1- Traffic dominant area 1- Commercial	6
10,00,000- <50,00,000	1-Background 2-Residential/ Commercial	2-Residential 1- Traffic dominant area 1- Commercial 1-Industrial area	8
>50,00,000	1-Background in upwind direction 1-Background in down wind direction 2- Residential/ Commercial	4-Residential 3- Traffic dominant area 3- Commercial 2-Industrial area	16

Direction was issued to assess optimal number of stations required and to install such stations linking them to the central server of CPCB. Environmental Compensation (EC) and Consent funds available with CPCB/SPCBs/PCCs could be utilized for the purpose. Details of such funds were required to be furnished along with action plans.

10.2 With regard to (b), it was noted that a portal "Sameer" has been developed by the CPCB and on that pattern all States/UTs could develop such stations.

10.3 With regard (c), it was observed that 20 additional NACs were identified. Action plans were required to be prepared for the said additional 20 NACs within three months and after approval by CPCB, time bound action plans for remediation was to be initiated within three months.

10.4 With regard to (d), action plans for the cities for which the same had not been finalized were required to be finalized within two months and for failure, compensation were liable to be paid in terms of order of this Tribunal already passed.

10.5 With regard to (e), it was observed that where action plans could not be enforced, provision for accountability, source apportionment (SA), carrying capacity (CC) assessment was necessary. The CPCB was to prepare a model/SOP on the pattern of models already developed with regard to Shimla, Kasuali and Mcleodganj. Report in respect of Delhi dated 22.04.2019 filed in O.A No. 568/2016²⁴ was to be looked into. Apart from PM₁₀ and PM_{2.5}, other elements of pollution were also to be factored in. The Tribunal noted that Comprehensive Environmental Pollution Index (CEPI) prepared by the CPCB showing that 100 industrial clusters were polluted warranted immediate remediation. Timeline for review of action plans and for further micro planning was to be reduced.

10.6 With regard to (f), the Tribunal noted various estimates about death and diseases caused by air pollution and the necessity of reversing such trend for protection of environment and public health. The rule of law required guilty being punished and required to pay compensation for restoration of the environment and health. The enforcement regime was not commensurate to the problem as number of violations for large scale violation under the Air Act, which were criminal offences, was illusive. Similarly, compensation assessed and recovered did not match the violations.

10.7 With regard to (g), it was observed that proposal to reduce air pollution by 20%-30% by 2024 did not meet the Constitutional mandate of Right to breathe clean air. The targets were, thus, required to be increased and timeline required to be reduced.

²⁴ Ajay Khara Vs. M/S Container Corporations of India Limited & Ors. Report by the CPCB is in relation to Carrying Capacity for Air Quality for Delhi- NCR

Air pollution by DG sets was required to be part of action plans including retrofitting of emission-control devices on generators already being used which aspect was part of NCAP. Action was also required for action black carbon generators. It was further observed that unplanned industrial activities in residential areas were required to be closed/shifter as per mandate of judgment of Hon'ble Supreme Court in *M.C. Mehta vs. Union of India*, (2004) 6SCC 588.

10.8 With regard to issue of noise pollution which was earlier dealt with on 15.03.2019, directing procurement of noise monitoring devices, training of staff for using such devices and protocol for fixing noise meters with data loggers of noise creating equipments, the CPCB was directed to lay down scale of compensation for violations. The Tribunal noted that States of West Bengal and Tripura had already notified the requirement of fixing limiters on noise equipments which order was followed by this Tribunal vide order dated 01.08.2019 in *O.A. No. 519/2016, Hardeep Singh & Ors. vs SDMC & Ors.* The said direction was extended to all the States/ UTs.

10.9 Finally, following directions were issued:

- “ I. *CPCB, SPCBs and PCCs need to ensure assessment and installation of the requisite number of real time Online Continuous AAQMS within six months from today and indicate progress in this regard before the next date.*
- II. *The Expert Team of CPCB to design a model/SOP for source apportionment and carrying capacity assessment within two months which may be replicated for all the NACs. In the light of such study, further action may need to be considered by MoEF&CC within three months thereafter in terms of regulating the number of vehicles, action in terms of shift to e-vehicles and CNG vehicles, intensifying public transport system, mechanical cleaning of roads, enhancement of public parking facilities etc., improvement in fuel quality and traffic management, regulation of construction activities, strict adherence to siting guidelines with regard to stone crushers, mining, brick kilns, thermal*

power plants, coal handling, air polluting industries, hot mix plants, etc. Besides, activities like crop burning and burning of trash wood/leaves/debris for heating in winters to be strictly regulated and violations penalized as has been done by notifications for ESZ, CRZ, Ganga Flood plains etc.

- III. Concerned Town & Country Planning departments (with whatever be the name in the State) of all the States/UTs may ensure review of master plans specially for the NACs to be consistent with carrying capacity and source apportionment study reports within six months of such reports being available and furnish compliance reports to this Tribunal and CPCB.
- IV. Concerned States may evolve enforcement mechanism for closing/shifting of industrial units other than household industries from residential/non conforming areas in the light of law laid down in *M.C. Mehta vs Union of India*, (2004) 6SCC 588.
- V. SPCBs/PCCs need to develop interactive public grievance redressal portals on the pattern of CPCB portal "Sameer" within two months if not already done.
- VI. Actions Plans need to be prepared by States for the additional 20 NACs on the pattern of 102 NACs within three months and after its approval by CPCB within two months, States must initiate time bound action on remediation within next three months.
- VII. CPCB may finalize the pending action plans within two months. Environmental compensation may be deposited by the defaulting States in terms of our order dated 15.03.2019 with the CPCB.
- VIII. Timeline prescribed for reviewing action plans with regard to its report dated 15.07.2019 by the CPCB for further micro planning may be reduced from six months, preferably to four months. CPCB may give appropriate directions to the SPCBs/PCCs accordingly.
- IX. CPCB must forthwith come out with a compensation regime within two months for air as well as noise pollution to the extent such norms have not yet been laid down.
- X. Having regard to adverse impact on public health and constitutional mandate that right to clean air is a fundamental right, the MoEF&CC may modify the NCAP by reducing the timelines and increasing the target for reduction of air pollution.
- XI. Noise Limiters need to be installed on potential noise polluting devices, including retrofitting the existing devices. Appropriate directions be issued by the States/UTs within three months in the same manner as directed by this Tribunal for Delhi vide order dated 01.08.2019 in O.A. No. 519/2016, *Hardeep Singh & Ors. vs SDMC & Ors.*

- XII. *The CPCB may also evaluate existing air quality monitoring mechanism of all States and UTs and furnish a report to this Tribunal before the next date in terms of capacity of its scientific and technical personnel both in terms of number of personnel and skill/competence and outreach programmes on public awareness and suggestions for improvement.*
- XIII. *The CPCB and States may have robust Emergency Response System and preparedness by way of mock drills and measures to be taken in the scenario when air pollution levels become severe plus and severe.*
- XIV. *The SPCBs and PCCs to submit details of 'consent' funds to CPCB and this Tribunal within two months alongwith Action Plans on the basis of template provided by CPCB. CPCB may scrutinize and approve such action plans within two months in accordance to our order dated 22.01.2019 in O.A. No. 101/2019. Finally, the State PCBs and PCCs may execute their Action Plans within next one year thereafter.*
- XV. *The Environmental Compensation levied by State Transport Departments may be divided in the ratio of 50:25:25 amongst the States, the SPCBs/PCCs and the CPCB."*

VI. Report of CPCB dated 14.11.2019 - consideration of status of compliance of directions I to XIV in order dated 06.08.2019

11 Accordingly, report dated 14.11.2019 has been filed by the CPCB. We have considered the report with the assistance of learned Counsel present. We proceed to consider the report and status of compliance with reference to each of the directions in the order dated 06.08.2019 as follows.

a) Direction - I:

Installation of Ambient Air Quality Monitoring Stations (AAQMS)

12 With regard to direction No. (I), it is stated that criteria has been evolved based on population and area of the cities according to which 800 CAAQMS and 1250 Manual Stations are required in addition to the existing ones. At present, proposal is to install 202 CAAQMS in 114 cities out of which process to install 152 is underway. Let assessed number of stations be installed within one year and quarterly progress reports furnished to CPCB by all the SPCBs/PCCs.

First such report may be furnished by 01.04.2020. All such stations should be connected to the server of the CPCB and data displayed at the national portal on online real-time basis with AQI in public domain. CPCB may have its own stations at such critical locations as considered necessary. All the 12 notified parameters should be duly monitored by the CAAQMS. In default of compliance, SPCB/PCCs will be liable to pay compensation @ Rs. 5 Lakh per month starting from 01.01.2021. Failure may also be reflected in the ACRs of the Member Secretaries of SPCBs/PCCs.

Procurement of such equipments may preferably be through Government E-marketing (GeM) Portal of Govt. of India. CPCB may take steps to have standards/specifications and accredited/reputed vendors notified on the said portal. CEO, GeM, may also take necessary steps in the matter.

b) Direction - II:

Model/SOP for Source Apportionment (SA) and Carrying Capacity (CC) of the NACs

13 With regard to direction No. (II), it is stated the methodology for Source Apportionment and Carrying Capacity study has been evolved which needs to be revised. Draft framework has already been shared with the expert and the SPCBs/PCCs on 10.10.2019. Let SA and CC be completed within three months by the SPCBs/PCCs utilizing available data, based on which MoEF&CC may take further follow up action in terms of direction para II of order dated 06.08.2019 quoted above. SPCBs/PCCs may furnish action taken report to CPCB so that CPCB can file an appropriate report before this Tribunal. For any default, compensation will be liable to be paid @ of Rs. 5 lakh per month after 01.04.2020. Failure may also be reflected in the ACRs of

the Member Secretaries of SPCBs/PCCs. MoEF&CC may file compliance report before the next date.

c) Direction – III and IV:

Review of Master Plans consistent with SA and CC and action in the light of law laid down in the order of Hon'ble Supreme Court in M.C. Mehta vs Union of India, (2004) 6 SCC 588 with regard to Delhi

- 14 With regard to direction No. (III) and (IV), requiring Town Country Planning Departments of all States/UTs to review master plans for NACs in accordance with the CC and SA studies and also evolving mechanism for closing/shifting industrial units from residential/non-conforming area, no report has been furnished. Review of master plans may require CC and SA studies, which have not yet been completed. The review of master plans may now be carried out in the light of the studies within six months from the date of such studies in above terms. Mechanism for shifting industrial units from residential areas may be evolved immediately. Let both these aspects be complied by the all the States/UTs and reports furnished to the CPCB. The Chief Secretaries concerned may monitor compliance. In default, the concerned States/UTs will be liable to pay compensation @ Rs. 5 lakhs per month after the stipulated timeline already mentioned. The compensation may be recovered by the States/UTs from the erring officers and appropriate entries may also be made in the ACRs of the concerned Heads of the Departments. The CPCB may prepare a comprehensive report and furnish the same before the next date.

d) Direction – V:

Development of Public Grievance Redressal Portal (PGRP)

15 With regard to direction No. (V), it is stated that 38 cities have developed Public Grievance Redressal Portal (PGRP). PGRPs may be developed for the remaining NACs and report furnished by the SPCBs/PCCs to CPCB within two months. In default, SPCBs/PCCs concerned will be liable to pay compensation @ Rs. 2 lakhs per month from 01.02.2020. CPCB may file a compliance report. Failure may also be reflected in the ACRs of the Member Secretaries of SPCBs/PCCs.

e) Direction – VI:

Action Plans for additional 20 NACs

16 With regard to direction No. (VI), it is stated that there is partial compliance with regard to 10 out of 20 newly added cities. Compliance may also be ensured for the remaining cities and report furnished to CPCB by the States/UTs by 31.01.2020. In default, compensation will be liable to be paid @ Rs. 10 lakhs per month from 01.02.2020. The compensation may be recovered by the States/UTs from the erring officers and appropriate entries may also be made in the ACRs of the Heads of the Departments concerned.

f) Direction – VII:

Finalization of Action Plans for 102 NACs and EC regime

17 With regard to direction No. (VII), it is stated that direction has already been complied. Let the approved action plans be executed accordingly in terms of the timeline provided therein and compliance report furnished by Chief Secretaries of the concerned States/UTs to CPCB on quarterly basis starting from 01.04.2020. CPCB may file compliance report before this Tribunal. Failure on this regard may be visited with adverse consequences.

g) Direction – VIII:

Micro Planning of Action Plans

18 With regard to direction No. (VIII), there is compliance by 38 cities. Let the States/UTs ensure compliance with regard to the remaining cities within by 30.06.2020. In default, the States/UTs will be liable to pay @ Rs. 5 lakhs per month till compliance. The compensation may be recovered by the States/UTs from the erring officers and appropriate entries may also be made in the ACRs of the concerned Heads of the Departments.

h) Direction – IX:

Compensation regime for Noise Pollution

19 With regard to direction No. (IX), EC graded is regime based on population. For noise pollution, EC regime has been prepared and furnished by CPCB in O.A. No. 519/2016.

i) Direction – X:

Revisiting of NCAP

20 With regard to direction No. (X), action was to be taken by the MoEF&CC but there is no report of compliance. Let the same be done before the next date, failing which the Tribunal have no option except to take coercive measures against concerned officers.

j) Direction – XI:

Remedial action for control of noise pollution including procurement of monitoring devices and installation of Noise Limiters

21 With regard to direction No. (XI), the States/UTs have not furnished the compliance reports. Let the same be complied with and report furnished to CPCB by 31.03.2020. CPCB may furnish a comprehensive report to this Tribunal. If the said direction is not

complied with, the defaulting States/UTs will be liable to pay compensation @ Rs. 2 lakhs per month which may be collected by the CPCB and recovered from the salary of the concerned Heads of the Departments.

Procurement of requisite equipments may preferably be through Government E-marketing (GeM) Portal of Govt. of India. CPCB may take steps to have standards/specifications and accredited/reputed vendors notified on the said portal. CEO, GeM, may also take necessary steps in the matter.

k) Direction – XII:

Evaluation of existing Air Quality Monitoring Mechanism

22 With regard to direction No. (XII), the CPCB has sought time till 05.12.2019 to make its evaluation. Let the same be done positively by 31.12.2019 and a compliance report filed before the next date. As already directed, the evaluation should not only be sound in terms of scientific and technical capacity but also effectiveness of the outreach programme.

l) Direction – XIII:

Finalization of Emergency Response System (ERS)

23 With regard to direction No. (XIII), the CPCB has given particulars of its own system with regard to NCR but not with regard to rest of the country. Let the same be done now and compliance report filed before the next date. The States have not given their response which may now positively be done within one month, failing which the Tribunal have no option except to take coercive measures against concerned officers.

m) Direction – XIV:

Status of Consent and EC Funds

24 With regard to direction No. (XIV), the CPCB has merely given a template for action plan but no further information has been furnished with regard to availability of EC and Consent funds with SPCBs/PCCs and their action plans except the one for the State of Chhattisgarh. Action plan furnished by the State of Chhattisgarh unfortunately has gone astray and against the order of this Tribunal. The direction in paragraph 12 of order dated 06.08.2019 was to utilize EC funds for installing the equipments and remediation/restitution of degraded environment. The Chhattisgarh plan is which as Annexure – (xiv) to the report of the CPCB mentions constructions of buildings, laboratories, offices, residential houses which are not purposes for which such amount can be spent. Doing so may call for prosecution of the concerned officers for misappropriation. The Chhattisgarh State PCB is directed to take remedial steps and modify its action plan in terms of instructions of CPCB and direction of this Tribunal. Fresh action plan may be furnished to CPCB by 31.01.2020. We also disapprove the inaction by other SPCBs/PCCs in not complying with the directions. All other SPCBs/PCCs may give their action plans latest by 31.01.2020. In default, the erring SPCBs/PCCs will be liable to pay environmental compensation @ Rs. 5 lakhs per month till compliance of the directions which may be liable to be recovered from the concerned Chairmen and Member Secretaries. Failure may also be reflected in the ACRs of the Member Secretaries of SPCBs/PCCs. CPCB may file a consolidated report on the subject before the next date.

VII. Further observations

25 We may add that it is well known that afforestation is one of the mitigation measures against air pollution. It needs to be explored by the MoEF&CC and concerned States/UTs whether a part of CAMPA funds can be utilized for special afforestation drive in 122 NACs. If so further necessary action be taken and a report furnished to this Tribunal by the MoEF&CC before the next date.

26 As already noted in para 9, one of the major untackled problem is remediation of legacy waste dump sites in the country releasing emissions in the ambient air. Often there are incidents of fires in such dump sites further adding to air pollution. Apart from other steps, focused attention may be required to ensure bio-remediation of such dump sites for which this Tribunal has already issued exhaustive directions in O.A. No. 519/2019 as already noted in para 9 above.

27 With regard to finalization of Emergency Response System (ERS), we are of view that the State Disaster Management Authorities in coordination with the SPCBs/PCCs and State Units of Meteorological Departments may include emergency as a part of disaster management and develop ERS accordingly which may be placed in public domain.

28 The problem of air pollution remains unabated having its toll on environment and public health. The States/UTs which are able to successfully control air pollution in measurable terms in respect of 122 NACs may place their successful models and best practices on their respective websites for the benefit of others.

VIII. Directions

29 In view of above, we direct as follows:

- i) Let assessed number of stations be installed within one year and quarterly progress reports furnished to CPCB by all the SPCBs/PCCs. First such report may be furnished by 01.04.2020. All such stations should be connected to the server of the CPCB and data displayed at the national portal on online real-time basis with AQI in public domain. CPCB may have its own stations at such critical locations as considered necessary. All the 12 notified parameters should be duly monitored by the CAAQMS. In default of compliance, SPCB/PCCs will be liable to pay compensation @ Rs. 5 Lakh per month starting from 01.01.2021. Failure may also be reflected in the ACRs of the Member Secretaries of SPCBs/PCCs.

Procurement of such equipments may preferably be through Government E-marketing (GeM) Portal of Govt. of India. CPCB may take steps to have standards/specifications and accredited/reputed vendors notified on the said portal. CEO, GeM, may also take necessary steps in the matter.

- ii) Let SA and CC be completed within three months by the SPCBs/PCCs utilizing available data, based on which MoEF&CC may take further follow up action in terms of direction para II of order dated 06.08.2019 quoted above. SPCBs/PCCs may furnish action taken report to CPCB so that CPCB can file an appropriate report before this Tribunal. For any default, compensation will be liable to be paid @ of Rs. 5 lakh per month after 01.04.2020. Failure may also be reflected in the ACRs of the Member

Secretaries of SPCBs/PCCs. MoEF&CC may file compliance report before the next date.

- iii) The review of master plans may now be carried out in the light of the studies within six months from the date of such studies in above terms. Mechanism for shifting industrial units from residential areas may be evolved immediately. Let both these aspects be complied by the all the States/UTs and reports furnished to the CPCB. The Chief Secretaries concerned may monitor compliance. In default, the concerned States/UTs will be liable to pay compensation @ Rs. 5 lakhs per month after the stipulated timeline already mentioned. The compensation may be recovered by the States/UTs from the erring officers and appropriate entries may also be made in the ACRs of the concerned Heads of the Departments. The CPCB may prepare a comprehensive report and furnish the same before the next date.
- iv) PGRPs may be developed for the remaining NACs and report furnished by the SPCBs/PCCs to CPCB within two months. In default, SPCBs/PCCs concerned will be liable to pay compensation @ Rs. 2 lakhs per month from 01.02.2020. CPCB may file a compliance report. Failure may also be reflected in the ACRs of the Member Secretaries of SPCBs/PCCs.
- v) Compliance may also be ensured for the remaining cities and report furnished to CPCB by the States/UTs by 31.01.2020. In default, compensation will be liable to be paid @ Rs. 10 lakhs per month from 01.02.2020. The compensation may be recovered by the States/UTs from the erring officers and appropriate entries

may also be made in the ACRs of the Heads of the Departments concerned.

- vi) Let the approved action plans be executed accordingly in terms of the timeline provided therein and compliance report furnished by Chief Secretaries of the concerned States/UTs to CPCB on quarterly basis starting from 01.04.2020. CPCB may file compliance report before this Tribunal. Failure on this regard may be visited with adverse consequences.
- vii) Let the States/UTs ensure compliance of directions with regard to the remaining cities in terms of observations in Para 18 within by 30.06.2020. In default, the States/UTs will be liable to pay @ Rs. 5 lakhs per month till compliance. The compensation may be recovered by the States/UTs from the erring officers and appropriate entries may also be made in the ACRs of the concerned Heads of the Departments.
- viii) Let the NCAP be revisited in terms of observations in Para 20 before the next date, failing which the Tribunal have no option except to take coercive measures against concerned officers.
- ix) Let the directions for control of noise pollution be complied with in terms of observations in Para 21 and report furnished to CPCB by 31.03.2020. CPCB may furnish a comprehensive report to this Tribunal. If the said direction is not complied with, the defaulting States/UTs will be liable to pay compensation @ Rs. 2 lakhs per month which may be collected by the CPCB and recovered from the salary of the concerned Heads of the Departments.

Procurement of requisite equipments may preferably be through Government E-marketing (GeM) Portal of Govt. of India. CPCB may take steps to have standards/specifications and accredited/reputed vendors notified on the said portal. CEO, GeM, may also take necessary steps in the matter.

- x) Let the evaluation of monitoring stations be done positively by 31.12.2019 in terms of observations in Para 22 and a compliance report filed before the next date. As already directed, the evaluation should not only be sound in terms of scientific and technical capacity but also effectiveness of the outreach programme.
- xi) Let the steps for ERS be taken as per observations in Para 23 and compliance report filed before the next date. The States have not given their response which may now positively be done within one month, failing which the Tribunal have no option except to take coercive measures against concerned officers.
- xii) The Chhattisgarh State PCB is directed to take remedial steps and modify its action plan on the subject of EC and Consent funds in terms of instructions of CPCB and direction of this Tribunal. Fresh action plan may be furnished to CPCB by 31.01.2020. We also disapprove the inaction by other SPCBs/PCCs in not complying with the directions. All other SPCBs/PCCs may give their action plans latest by 31.01.2020. In default, the erring SPCBs/PCCs will be liable to pay environmental compensation @ Rs. 5 lakhs per month till compliance of the directions which may be liable to be recovered from the concerned Chairmen and Member Secretaries. Failure

may also be reflected in the ACRs of the Member Secretaries of SPCBs/PCCs. CPCB may file a consolidated report on the subject before the next date.

xiii) It needs to be explored by the MoEF&CC and concerned States/UTs whether a part of CAMPA funds can be utilized for special afforestation drive in 122 NACs. If so, further necessary action be taken and a report furnished to this Tribunal by the MoEF&CC before the next date.

xiv) Apart from other steps, focused attention may be required to ensure bio-remediation of legacy waste dump sites for which this Tribunal has already issued exhaustive directions in O.A. No. 519/2019 as already noted in para 9 above.

xv) With regard to finalization of Emergency Response System (ERS), we are of view that the State Disaster Management Authorities in coordination with the SPCBs/PCCs and State Units of Meteorological Departments may include emergency as a part of disaster management and develop ERS accordingly which may be placed in public domain.

xvi) The States/UTs which are able to successfully control air pollution in measurable terms in respect of 122 NACs may place their successful models and best practices on their respective websites for the benefit of others.

Copies of this order be sent to MoEF&CC, Ministry of Earth Sciences, Govt. of India, CPCB, SPCBs/PCCs, Chief Secretaries of all States/UTs, State Disaster Management Authorities of all States/UTs by e-mail.

List for further consideration on 08.03.2020.

Adarsh Kumar Goel, CP

Annexure - 10
S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

Saibal Dasgupta, EM

November 20, 2019
Original Application No. 681/2018
DV



GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Environment, Forests, Science & Technology Department – National Clean Air Programme (NCAP) – Constitution of three committees at the State level to ensure effective implementation of NCAP activities to control air pollution in the cities and towns of Andhra Pradesh – Orders – Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (Env.Sec.I) DEPARTMENT

G.O.Rt.No. 46

Dated : 11/06/2020

Read the following:

Letter together with a copy of NGT order received from the Member Secretary, APPCB, No.APPCB-12023/3/2018- SS-CL-APPC13/1811, dated : 07.01.2020

&&&

ORDER:

In the letter read above, the Member Secretary, Andhra Pradesh Pollution Control Board (APPCB), Vijayawada has stated that the Ministry of Environment, Forest & Climate Change (MoEF & CC), Government of India, New Delhi has finalized and launched the National Clean Air Programme (NCAP) on 10.01.2019 as a time bound strategy Pan India implementation to tackle the air pollution problem across the country in a comprehensive manner.

2. The Member Secretary, Andhra Pradesh Pollution Control Board has further stated that the Central Pollution Control Board (CPCB) has identified a total of 102 cities in the country as non- attainment cities for not meeting the ambient air quality standards. Five among them, viz., Visakhapatnam, Vijayawada, Guntur, Kurnool and Nellore cities are in the State of Andhra Pradesh. The Ministry of Environment, Forest & Climate Change, Government of India, vide D.O.Lr.No.Q-16017/12/2019-CAP, dated : 24.04.2019 & 19.08.2019 has requested to initiate action in the said five cities.

3. The Member Secretary, Andhra Pradesh Pollution Control Board has further stated that further eight cities/towns namely, Srikakulam, Vizianagaram, Rajahmundry, Eluru, Ongole, Chittoor, Kadapa and Anantapuram have been identified as non-attainment cities for not meeting the ambient air quality standards, vide Hon'ble NGT order dated : 06.08.2019 in O.A.N0.681/2018. Implementation Committees for these eight cities / towns also need to be constituted for implementation of NCAP activities to control air pollution.

4. The Member Secretary, Andhra Pradesh Pollution Control Board has sent proposals for constitution of 3 Committees i.e., 1) Steering Committee; 2) Monitoring Committee and 3) Implementation Committee to ensure effective implementation of National Clean Air Programme (NCAP) to control air pollution in the 13 nonattainment cities and towns of Andhra Pradesh.

5. Government after careful examination of the proposal of A.P.Pollution Control Board, Vijayawada hereby issue orders constituting the following three committees to ensure effective implementation of National Clean Air Programme to control air pollution in the 13 non-attainment cities and towns of Andhra Pradesh:

Steering Committee: Headed by the Chief Secretary:

1.	Principal Secretary, Transport	Member
2.	Principal Secretary, Industries	Member
3.	Principal Secretary, MA&UD	Member
4.	Principal Secretary, Agriculture	Member
5.	Principal Secretary, Home affairs	Member
6.	Principal Secretary, EFS&T	Member Convener

(P.T.O)

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part up.*

Monitoring Committee:

1.	Principal Secretary, EFS & T	Chairman
2.	Commissioner, Transport	Member
3.	Commissioner, Industries	Member
4.	Commissioner & Director, MA & UD	Member
5.	Commissioner & Director, Agriculture	Member
6.	Member Secretary, APPCB	Member Convener

Implementation Committee for the 13 non-attainment Cities and towns of A.P. i.e.,

1) Srikakulam, 2) Vizianagaram, 3) Visakhapatnam, 4) Rajahmundry, 5) Eluru, 6) Vijayawada, 7) Guntur, 8) Ongole, 9) Nellore, 10) Chittoor, 11) Kadapa, 12) Anantapuram and 13) Kurnool

1.	District Magistrate	Chairman
2.	District incharge of the Transport Dept.	Member
3.	District incharge of the Industries Dept.	Member
4.	District incharge of the MA & UD Dept.	Member
5.	District incharge of the Agriculture Dept.	Member
6.	District incharge of the APPCB	Member Convener

6. The Member Secretary, Andhra Pradesh Pollution Control Board shall take necessary action in matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To:

- 1) The Member, A.P., Pollution Control Board, Vijayawada.
- 2) The Principal Secretary, Transport Dept., A.P., Secretariat.
- 3) The Principal Secretary, Industries Dept., A.P., Secretariat.
- 4) The Principal Secretary, MA&UD Dept., A.P., Secretariat.
- 5) The Principal Secretary, Agriculture Dept., A.P., Secretariat.
- 6) The Principal Secretary, Home affairs Dept., A.P., Secretariat.
- 7) The Principal Secretary, EFS&T Dept., A.P., Secretariat.
- 8) The Commissioner, Transport Dept., Vijayawada.
- 9) The Commissioner, Industries Dept., Vijayawada.
- 10) The Commissioner & Director, MA & UD Transport Dept., Vijayawada.
- 11) The Commissioner & Director, Agriculture Dept., Vijayawada.
- 12) All the District Magistrate and Collectors of the State, Andhra Pradesh.

Copy to :

- 1) The Additional Secretary to C.M.
- 2) The General Administration (CABINET) Department.
- 3) The OSD to Minister for EFS&T.
- 4) The P.S to Chief Secretary to Government.
- 5) The P.S to Spl. CS, EFS&T Dept.

SS/2

//FORWARDED::BY ORDER//

G. R. K. Kumar
SECTION OFFICER

Annexure I

List of Nominated Officers of Regional Directorates

<u>Bengaluru</u>					
State	S. No.	NAC	Million Plus	Name	Designation
Karnataka (04)	1	Bangalore	Bruhat Bangalore U.A.	Sh. G. Dharmalingam	Scientist 'D'
	2	Devanagere	-	Sh. S. Jeyapaul	Scientist 'D'
	3	Gulbarga	-	Ms. Selvi P.K.	Scientist 'D'
	4	Hubli-Dharwad	-	Sh. Vivek K.	Scientist 'D'
<u>Bhopal</u>					
State	S. No.	NAC	Million Plus	Name	Designation
Chhattisgarh (03)	1	Bhilai	Durg Bhilainagar U.A.	Dr. R.P. Mishra	Scientist 'D'
	2	Raipur	Raipur U.A.		
	3	Korba	-		
Madhya Pradesh (07)	4	Bhopal	Bhopal U.A.	Sh. Sunil Kumar Meena	Scientist 'D'
	5	Indore	Indore U.A.	Dr. Y. K. Saxena	Scientist 'C'
	6	Gwalior	Gwalior U.A.		
	7	-	Jabalpur U.A.	Dr. Anoop Chaturvedi	Scientist 'B'
	8	Dewas	-		
	9	Sagar	-		Dr. Ranu C. Verma
	10	Ujjain	-	Sh. Milind Kumar Nimje	Scientist 'C'
Rajasthan (05)	11	Jodhpur	Jodhpur U.A.	Sh. Sunil Kumar Meena	Scientist 'D'
	12	Jaipur			
	13	Kota			
	14	Alwar	-	Sh. Milind Kumar Nimje	Scientist 'C'
	15	Udaipur	-	Sh. Praveen Kr. Jain	Scientist 'B'
<u>Chandigarh</u>					
State	S. No.	NACs	Million Plus	Name	Designation
Himachal Pradesh (07)	1	Baddi	-	Sh. Narendra Sharma	Scientist 'E'
	2	Kala Amb	-		
	3	Nalagarh	-		
	4	Parwanoo	-		
	5	Damtal	-	Sh. Gaurav Ghelot	Scientist B, IPC-II
	6	Poanta Sahib	-	Sh. Mukesh Balodhi	Scientist-D, IPC-I
	7	Sunder Nagar	-		

Chandigarh (01)	8	Chandigarh	-	Sh. Suneel Dave	RD & Scientist 'E'
Punjab (09)	9	Gobind garh	-		
	10	Patiala	-		
	11	DeraBassi	-		
	12	Naya Nangal	-	Sh. C K Dixit	Scientist-C, UPC-II
	13	Khanna	-	Sh. Tarun Darbari	Scientist-D WM-III
	14	Jalandhar	-		
	15	Ludhiana	-	Sh Gaurav Ghelot	Scientist-B, IPC-II
	16	Pathankot	-	Sh Sharandeep	Scientist-D, AQM
Delhi (1)	18	Delhi	-	Sh Kamlesh Singh	Scientist-E, IPC-III
Haryana (1)	19	-	Faridabad		
J & K(2)	20	Jammu	-	Sh. Sahil Patel	Scientist-B WM-II
	21	Srinagar	-		
Chennai					
State	S. No.	NAC	Million Plus	Name	Designation
Andhra Pradesh (13)	1	Chitoor	-	Sh. K. Karunagaran	STS
	2	Nellore	-		
	3	Ongole	-		
	4	Guntur	-	Sh. S. Karthikeyan	Scientist 'C'
	5	Eluru	-		
	6	Rajahmundry	-		
	7	Vijayawada	Vijayawada U.A	Ms. Mahima T.	Scientist 'D'
	8	Vishakhapatnam			
	9	Srikakulam	-		
	10	Vizianagaram	-		
	11	Anantapur	-	Sri. Gnanavelu. A	Scientist 'C' (RD Bengaluru)
	12	Kurnool	-	Dr. Deepesh .V	Scientist 'C' (RD Bengaluru)
	13	Kadapa	-	Smt. Sowmya . D	Scientist 'D' (RD Bengaluru)
Tamil Nadu (04)	14	Trichy	Trichy U.A.	Sh. Raj Kumar	Scientist 'D'
	15	-	Madurai U.A.		
	16	-	Chennai U.A.		
	17	Thoothukudi	-		
Telangana (04)	18	Hyderabad	Hyderabad U.A.	Ms. Poornima B.M.	Scientist 'D'
	19	Patancheruvu			
	20	Nalgonda	-		

	21	Sangareddy	-		
<u>Kolkata</u>					
State	S. No.	NAC	Million Plus	Name	Designation
Bihar (03)	1	Patna	Patna U.A.	Dr. Gyan Prakash Singh	Scientist 'D'
	2	Gaya	-		
	3	Muzaffarpur	-		
Jharkhand (03)	4	Dhanbad	Dhanbad U.A.	Sh. TouficAslam	Scientist 'B'
	5	-	Ranchi U.A.		
	6	-	Jamshedpur U.A.		
Orissa (07)	7	Angul	-	Sh. Sukhendu Biswas	SSA
	8	Talcher	-		
	9	Bhubaneswar	-	Ms. Susmita Ekka	Scientist 'D'
	10	Cuttack	-		
	11	Rourkela	-		
	12	Kalinga Nagar		Sh. Abdur Rafique	SSA
	13	Balasore	-		
West Bengal (07)	14	Asansol	Asansol U.A.	Sh. Debabrata Das	Scientist 'B'
	15	Durgapur			
	16	Raniganj			
	17	Barrackpore	Kolkata U.A.	Sh. Sandeep Roy	Scientist 'D'
	18	Howrah			
	19	Kolkata			
	20	Haldia	-	Sh. Ashis Kumar Naskar	Scientist 'C'
<u>Lucknow</u>					
State	S. No.	NAC	Million Plus	Name	Designation
Uttar Pradesh (13)	1	Varanasi	Varanasi U.A.	Sh. R.D. Patil	Scientist 'D'
	2	Allahabad	Allahabad U.A.		
	3	Anpara	-		
	4	Jhansi			
	5	Kanpur	Kanpur U.A.	Dr. D.K. Soni	Scientist 'E'
	6	Lucknow	Lucknow U.A.		
	7	Raebareli	-		
	8	Bareilly			
	9	-	Meerut U.A.	Sh. Arvind Kumar	Scientist 'B'
	10	Gajraula	-		
	11	Khurja	-		
	12	Moradabad	-		
Uttarakhand (03)	13	Kashipur	-	Sh. Avadesh Kumar Triptahi	Scientist 'C'
	14	Rishikesh	-		
	15	Dehradun	-		
	16	Gorakhpur	-		

Pune					
State	S. No.	NAC	Million Plus		
Maharashtra (19)	1	Badlapur	Greater Mumbai U.A.	Sh. S.L. Lokhande,	Scientist 'E'
	2	Mumbai			
	3	Ulhasnagar			
	4	Jalna	-		
	5	Navi Mumbai		Sh. Nishchal C.	Scientist 'D'
	6	Aurangabad	Aurangabad U.A.		
	7	Nashik	Nashik U.A.		
	8	Pune	Pune U.A.		
	9	Nagpur	Nagpur U.A.	Sh. Pratik D. Bharne	Scientist 'E'
	10	Chandrapur	-		
	11	Amravati	-		
	12	Akola	-		
	13	Kolhapur	-	Sh. Anantha N.S.	SSA
	14	Latur	-		
	15	Sangli	-		
	16	Solapur	-		
	17	Thane		Sh. Amit Thakkar	Scientist 'D' (RD Vadodara)
	18	-	Vasai Virar city		
	19	Jalgaon		Dr. Nirpendra Semwal	(RD Vadodara)
Shillong					
State	S. No.	NAC	Million Plus	Name	Designation
Assam (05)	1	Sibsagar	-	Sh. Ananda Kumar Ngangom	SSA
	2	Nagaon	-		
	3	Silchar	-	Sh. RakeshBasumatary	SSA
	4	Nalbari	-		
	5	Guwahati	-	Sh. Shantanu Kumar Dutta	Scientist 'E'
Meghalaya (01)	6	Byrnihat	-		
Nagaland (02)	7	Dimapur	-	Sh. Ritesh Prasad Gurung	Scientist 'D'
	8	Kohima	-		
Vadodara					
State	S. No.	NAC	Million Plus	Name	Designation
Gujarat (04)	1	Ahmadabad	Ahmadabad U.A.	Sh. Arvind Kumar Jha	Scientist 'D'
	2	Surat	Surat U.A.	Sh.NirpendraSemwal	Scientist 'C'
	3	Vadodara	Vadodara U.A.	Ms. Kavitha B.V.	Scientist 'D'
	4	-	Rajkot U.A.	Sh. Saket Kumar	Scientist 'B'
Agra - PO					

State	S. No.	NAC	Million Plus	Name	Designation
Agra (04), UP	1	Agra	Agra U.A.	Sh. Kamal Kumar	Scientist 'D'
	2	Firozabad	-		
	3	Ghaziabad	Ghaziabad U.A.	Sh. Vinay Prabhakar	Scientist-B, IPC-IV
	4	Noida	-		

ANDHRA PRADESH POLLUTION CONTROL BOARD

D.No.33-26-14D/2, Near Sunrise Hospital, Chalamalavari Street,
Kasturibaipet, Vijayawada – 520 010.

Lr. No. APPCB-12022/1/2019-SS-CL-APPCB**28/11/2021.****To**

1. The Director,
Municipal Administration and
Urban Development,
Office Complex, 3rd Floor,
Sri Krishna Enclave,
West Annapurna Nagar,
4th Lane, Extension, Gorantla,
Guntur - 522034.
2. The Commissioner,
Industries Department,
First Floor Government Regional Printing
Press Buildings,
Mutyalampadu St,
Vijayawada, 520011.
3. The Commissioner,
Transport Department,
APSRTC Bus Stand,
NTR Administrative Block,
3rd Floor, Vijayawada –
520002.
4. The Commissioner and Director,
Agriculture Department,
Old Mirchi Yard, Nallapadu Road,
Chuttgartunta, Guntur – 522004.
5. The Special Secretary,
EFS&T Department,
A P Secretariat, Velagapudi
Amaravathi.
6. The Director General of Police,
Kolanukonda,
Mangalagiri,
Guntur District.
7. The Commissioner,
Civil Supplies Department,
Ashok Nagar, Bandar Road,
Vijayawada.
8. The Regional Director,
National Highway Authority of India,
Gurunanak Nagar Colony Road,
Teachers Colony,
Vijayawada.
9. The Director,
Department of Mines &
Geology,
Sri Anjaneya Towers,
D.No:7-104;B-Block,
5th & 6th Floors,
Ibrahimpattam, Vijayawada.
10. The Managing Director,
New & Renewable Energy Development
Corporation of Andhra Pradesh Ltd.,
12-464/5/1, River Oaks Apartments,
CSR Kalyana Mandapam Road,
Tadepalli, Guntur district.
11. The Managing Director,
AP Genco,
Transmission Corporation of
12. The Chief Managing Director
AP Transco,
Transmission Corporation of

- | | |
|--|---|
| <p>Andhra Pradesh Ltd.,
Vidyuth Soudha,
Gunadala, Eluru Road,
Vijayawada.</p> <p>13. The Dy. Chief Controller of Explosives,
M/s. Petroleum Explosive Safety Organization,
D. No. 7-20-13, Kirlampudi Layout,
Visakhapatnam – 530 017.</p> | <p>Andhra Pradesh Ltd.,
Vidyuth Soudha,
Gunadala, Eluru Road,
Vijayawada.</p> <p>14. The Managing Director,
Andhra Pradesh State Disaster Management Authority (APSDMA)
Genious JR Towers, D.No.21/2B, Pathuru Cross Road Center, Kunchanapalli (P),
Tadepalli (M).
Guntur District – 522501.</p> |
|--|---|

Sir,

Sub :	APPCB – LAB – National Clean Air Program (NCAP) – Hon'ble NGT, Chennai order, dated 12.11.2021 in O.A. No. 159 of 2021 on formulation of State Action Plan for control of air pollution in the State – Circulation of CPCB “Indicative Template for State Action Plan” - Information requested - Reg.
Ref:	<ol style="list-style-type: none"> 1. Hon'ble NGT, Chennai order, dated 12.11.2021 in O.A. No. 159 of 2021. 2. Minutes of the 5th Monitoring Committee meeting convened by MoEF & CC, Govt. of India, New Delhi on 02.11.2021.

Please find enclosed herewith the Hon'ble NGT order, dated 12.11.2021 in O.A. No. 159 of 2021, wherein, directed the State of Andhra Pradesh and Andhra Pradesh Pollution Control Board (APPCB) to file their statements showing the Action Plan evolved by them on the basis of the directions given by the Central Pollution Control Board (CPCB) and also by the Ministry of Environment, Forests & Climate Change (MoEF & CC), Govt. of India, New Delhi for implementation of National Clean Air Program (NCAP) on Pan India basis, vide reference 1st cited.

Also find enclosed herewith the minutes of the 5th Monitoring Committee meeting convened by MoEF & CC, Govt. of India, New Delhi on 02.11.2021, wherein, circulated the “Indicative Template for State Action Plan” and requested the State Pollution Control Boards to formulate State Action Plans on the said lines.

In this regard, copy of the “Indicative Template for State Action Plan” is

herewith circulated with a request to provide the information pertaining to your Department as per the template to APPCB on or before 10.12.2021 by 05.00 PM.

Yours sincerely,

Encls: As above.

Vijay Kumar Gsrkr Ias

Secretary To Government

Copy submitted to the Secretary, EFS & T Dept., Govt. of Andhra Pradesh, for kind information.

Indicative template for State Action Plan

1. Industrial Emissions

S. No.	Activities	Status of activity (Completed/ Ongoing/ To be Started)	Timeline for completion	Target (Coverage/ Percentage)	Financial implications (Yes/ No)	Funds Allocated (Rs crore)	Funds Utilized as on date (Rs crore)
1.	Policy for permitting new industries in Critically Polluted Areas (CPAs)						
2.	Guidelines for laying city gas distribution network						
3.	Policy for replacement of heavy oil (eg., furnace oil, diesel etc.) based industries to alternate energy sources (CNG/ PNG/ Electricity)						
4.	Policy for restriction on usage of Pet coke for industrial use.						
5.	Rules and Regulations on uninterrupted power supply in State/ UT						

6.	Policy for use of DG sets						
7.	Policy regarding installation of CAAQMS based on the emission potential or capacity of air polluting industries.						
8.	Mechanism to be devised for expansion of OCEMS to air polluting industries are not covered currently (such as emission from utility stacks in 17 categories, etc.)						
9.	Mechanisms to control fugitive emissions sources.						
10.	Regulations for conversion of brick kilns to clean technologies						
11.	Regulations for Emission Trading Scheme (ETS)						
12.	Policy to set up e-waste recycling unit in industrial areas in compliance with e-waste management rules						
13.	Any other Policy / Rules/ Standards/ Guidelines						

	pertaining to industrial emissions						
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S. No.	Activities/ Action plan	Status of activity (Completed/ Ongoing/ To be Started)	Timeline for completion	Target (Coverage/ Percentage)	Target Completed as on date (no.)	Funds Allocated (Rs crore)	Funds Utilized as on date (Rs crore)
14.	Number of industries in the state complying emission standards						
15.	Inventory of fuel consumed in the industries (type and quantity)						
16.	Shifting of industries/ commercial units to gaseous fuels (CNG/ PNG/ CBG)						
17.	Number of households shifted to PNG/ LPG						
18.	Any other activity/ project pertaining to industrial emissions						

2. Vehicular Emissions

S. No.	Activities/ Action plan	Status of activity (Completed/ Ongoing/ To be Started)	Timeline for completion	Target (Coverage/ Percentage)	Financial implications (Yes/ No)	Funds Allocated (Rs crore)	Funds Utilized as on date (Rs crore)
1.	Notification for phasing out old vehicles (Commercial: 10 years; Private: 15 years)						
2.	Policy for scrapping old vehicles						
3.	Policy/ Plan for Li-battery waste management from scrapped vehicles						
4.	Policy / Scheme for Eco-Friendly Mass Rapid Transport Systems						
5.	Policy for augment e-vehicles						
6.	Notification and enforcement of PUC norms						
7.	Online monitoring of PUC implementation						
8.	Mechanism for centralized record						

	maintenance of PUC checks, certification and cross check by the concerned transport authorities to be incorporated						
9.	Construction of bypass / ring roads						
10.	Re-filling Stations retrofitted with Vapor Recovery System						
11.	Incentive of setting up R&D facilities related to EVs						
12.	Any other Policy / Rules/ Standards/ Guidelines pertaining to vehicular emissions						

3. Construction & Demolition Waste and Road Dust Management

S. No.	Activities/ Action plan	Status of activity (Completed/ Ongoing/ To be Started)	Timeline for completion	Target (Coverage/ Percentage)	Financial implications (Yes/ No)	Funds Allocated (Rs crore)	Funds Utilized as on date (Rs crore)
1.	Policy for development of projects/ plants for C&D waste management						
2.	Policy for use of C&D waste in laying and construction of State highways.						
3.	Demand creation for C&D waste and alternative use of C&D waste material						
4.	Schemes for development of green belt/ open spaces and street sides greening on State highways						
5.	Penalty provisions for non-compliance of C&D waste management rules at construction sites						

6.	Maintenance, repair and paving of State highways						
7.	Monitoring of road dust especially in and around hotspot areas and in the vicinity of State highways						
8.	Mechanism for development and maintenance of road infrastructures for industrial states and clusters						
9.	Any other Policy / Rules/ Standards/ Guidelines pertaining to C&D waste and Road dust management						

S. No.	Activities/ Action plan	Status of activity (Competed/ ongoing/ To be Started)	Target Number (No.)/ (%)	Total Capacity (TPD) / Coverage (Acres)	Funds Allocated (Rs. crore)	Timeline for completion	Target Completed as on date	Funds Utilized as on date (Rs crore)
10.	C&D waste processing plants							
11.	Greening of open spaces/ parks developed							

12.	Any other activity/ project pertaining to C&D waste and Road dust management						
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4. Emissions from burning of waste

S. No.	Activities/ Action plan	Status of activity (Completed/ Ongoing/ To be Started)	Timeline for completion	Target (Coverage/ Percentage)	Financial implications (Yes/ No)	Funds Allocated (Rs crore)	Funds Utilized as on date (Rs crore)
1.	Notification and Enforcement of municipal solid waste (MSW) management rules						
2.	Policy for MSW management						
3.	Policy for legacy waste management at dumpsites						
4.	Policy for implementation of ban on single use plastics						
5.	Policy for development and Construction of Waste to Energy Plants						
	(a) non-recyclable / combustible dry waste						
	(b) Bio- methanation / Bio CNG						
	(c) Composting plant etc.						

6.	Any other Policy / Rules/ Standards/ Guidelines pertaining to MSW Management							
S. No.	Activities/ Action plan	Status of activity (Competed/ ongoing/ To be Started)	Target Number (No.)/ (%)	Total Capacity (TPD) / Coverage (Acres)	Funds Allocated (Rs. crore)	Timeline for completion	Target Completed as on date	Funds Utilized as on date (Rs crore)
1.	Waste collection status in the city (%)							
2.	Waste segregation status in the city (%)							
3.	Material Recovery Facility							
4.	Waste to Energy plants							
5.	Waste to compost plants							
6.	Remediation of dumpsites in the city							
7.	Control open burning of MSW							
8.	Any other activity/ project pertaining to MSW Management							

5. Emissions due to burning of agro residues

S. No.	Activities/ Action plan	Status of activity (Completed/ Ongoing/ To be Started)	Timeline for completion	Target (Coverage/ Percentage)	Financial implications (Yes/ No)	Funds Allocated (Rs crore)	Funds Utilized as on date (Rs crore)
1.	In-situ treatment of biomass residues for management of stubble burning						
	a) Schemes for procurement of agriculture machinery						
	b) Assistance for establishment of farm machinery banks/ custom hiring centres						
	c) Use of decomposer for in-situ Crop residue management.						
2.	Ex-situ treatment of biomass residues for management of stubble burning						
	a) Schemes for balers/ pellet/ briquette machines, etc.						
3.	Biomass projects with respect to the hotspots of crop residue burning						
4.	Use of biomass / crop residue based pellets						

	mass blending with coal and its co-firing in thermal power plants with blending ratio which needs no modification in boilers						
5.	Policy for supply chain mechanism for in-situ and ex-situ management of stubble						
6.	Supply chain for crop residues to cow shelters						
7.	Development of effective protocol for monitoring of fire incidents including crop area consideration and crop fire area data						
8.	Collaboration with ISRO and preparation of Satellite based maps for monitoring of fire incidence						
9.	Any other scheme/program that may help in reducing air pollution						

6. Household emissions

S. No.	Activities/ Action plan	Status of activity (Completed/ Ongoing/ To be Started)	Timeline for Completion	Target (Coverage/ Percentage)	Financial implications (Yes/ No)	Funds Allocated (Rs crore)	Funds Utilized as on date (Rs crore)
1.	Schemes for use of LPG/ PNG for cooking fuels						
2.	Amendments to the building by-laws for “Indoor air quality management”						
3.	Any other Policy / Rules/ Standards/ Guidelines pertaining to Household emissions						

Additional Instructions:

- Air quality is affected by both regional and background contributions hence actions at state and regional levels which also consider the airshed approach are required.
- Identification of prominent air polluting sources: Inventory of air pollution sources in State/UT including hotspots or areas of concern pertaining to air pollution should be carried out.
- Hotspots of air pollution: Hotspots with respect to air pollution (such as stubble burning, illegal waste burning, un-authorised operations, cluster activities, forest fires etc.) should be identified and localised action plan for mitigation of the same should be prepared.
- Categorization of industrial zones into red, orange, and green sectors has already been implemented so states may choose to permit or ban an industry depending on the state of the environment in their state or zones, for example- in TTZ some industries are banned. A similar strategy could be adopted by other states.
- Ambient air quality data: Plan to get access to available air quality monitoring stations in the State/UT operated by both public and private agencies. Quantification of improvement in existing air quality.
- Awareness on Air Quality: To develop Mobile App / Online portal for dissemination of air quality as well as to take complaints on local air pollution.
- State Action plan may dwell upon other relevant action points as per need and requirement of that state which are not mentioned in above template.