

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI
OA. No. 159 OF 2021**

Kankana Das

...Applicant

Versus

Union of India & Ors.

...Respondents

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

CHENNAI

DATED: 28-09-2021

ME.SARASHWATHY
Counsel for MoEF & CC, RI
Mobile No. 9444415523

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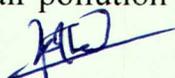
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**REPLY AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE (RESPONDENT NO.1)**

I, Dr.R.Sridhar S/o P.Rengarajan aged about 41 years, presently working as Scientist 'D', in the Ministry of Environment, Forest & Climate Change (hereinafter referred to as MoEF& CC)do hereby, in my official capacity, solemnly affirm and state on oath as follows:-

1. 1.That, I am well acquainted with the facts and circumstances of the case and competent to swear this affidavit on behalf of MoEF&CC being the Respondent No. 1 in the present Execution Application.
2. That the Answering Respondent no. 1 is engaged in, *inter alia*, policy formulation for abatement, control and prevention of pollution and prescribing environmental standards to be implemented through the Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs).Besides, the concerned State Pollution Control Boards/Pollution Control Committees are empowered to take all such measures as are deemed necessary or expedient for the purpose of protection and improving the quality of environment as well as prevention, control and abatement of environmental pollution.
3. That it is submitted that the National Clean Air Programme (NCAP) was launched as a comprehensive plan to tackle the problem of air pollution across


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the country in a focused manner to achieve 20% to 30% reduction in PM10 and PM2.5 levels by 2024 from 2017 levels.

4. It is humbly submitted that the roles and responsibilities of various Central Ministries, State/Union Territory Government and Urban Local Bodies have been defined under the NCAP.
5. That it is submitted that, presently NCAP is being implemented in 132 non-attainment cities/Million Plus Cities. Further, the City Specific Clean Air Action Plans have been prepared and rolled out for implementation in 132 non-attainment cities. It is relevant to mention here that the City action plans include the actions to control vehicular emission, road dust, biomass/crop/garbage/MSW burning, construction activities, industrial emission and other city specific sources and have timelines and responsible agencies identified for implementing actions.
6. That the Central Pollution Control Board (hereinafter referred to as CPCB) shared an indicative template for the preparation of the State Action Plan for improvement of air quality, as developed by the Answering Respondent, with respective Stakeholders i.e. the SPCBs/PCCs and National Knowledge Network – an advisory group to CPCB under NCAP for their inputs/comments. It is submitted that on 05.08.2021, CPCB conducted a meeting with National Knowledge Network to discuss the said template for the preparation of the State Action Plan.
7. Further, it is submitted that CPCB in consultation with the Answering Respondents and after considering the inputs of all the States shall be formulating the guidelines for preparation of the State Action Plan.
8. It is submitted that City-Specific Action Plans for improving the air quality for 132 Non-Attainment Cities/Million Plus Cities targeting city specific air polluting sources (Soil & Road Dust, Vehicles, Domestic Fuel, MSW Burning, Construction Material and Industries) have been prepared and are being implemented.


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9. It is relevant to mention here that Rs. 375.44 Crores have been released to 114 cities during Financial Year 2019-20 & 2020-21 for initiating actions under City Action Plan. Further, Rs. 4400 Crores have been released to 42 cities with Million Plus Population as per the recommendations of the 15th Finance Commission for the Financial Year 2020-21. This amount is in addition to the funds available through various Central and State Government Schemes.
10. It is submitted in July, 2021, the Nodal Officers of CPCB in order to monitor the ground level implementation of the Action Plans visited the cities.
11. It is relevant to mention here that to monitor the implementation of NCAP, a portal named PRANA – Portal for Regulation of Air-pollution in Non-Attainment cities, has been developed in collaboration with Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). This platform will support tracking the physical as well as financial status of the City Air Action Plan implementation and disseminate information on air quality management efforts under NCAP to public. This portal is a platform for all the information related to NCAP. It contains National Dashboard, City Dashboard, Air Quality data, activities of concerned ministries, activities of National Knowledge Network, Institute of Reputes- a technical expert at city level for local technical capacity building, activities of International agencies related to Air Quality improvements.
12. Further, directions under Section 18 (1) (b) of the Air (Prevention and Control of Pollution) Act, 1981 were issued to the Chairman SPCBs/PCCs regarding submission of Micro-Planning details of the City Action Plans.
13. It is humbly submitted that the Answering Respondent Ministry vide its D.O. Letter dated 13.09.2021 wrote to the Central Pollution Control Board in order to expedite the process of finalizing the templates for preparation of the State Action Plan for improvement in air quality. A copy of the D.O. Letter dated 13.09.2021 addressed to the Chairman; Central Pollution Control Board is annexed herewith as ANNEXURE R/1.


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In view of the above submissions, this Hon'ble Court may pass such order(s) as deemed fit and proper in the facts and circumstances of the case.



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DEPONENT

VERIFICATION:

Verified at Chennai on this 28th day of September, 2021 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been suppressed or concealed therein.



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DEPONENT



नरेश पाल गंगवार, आई.ए.एस
Naresh Pal Gangwar, IAS



संयुक्त सचिव
भारत सरकार
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
JOINT SECRETARY
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST
AND CLIMATE CHANGE

DO. No. Q-16017/69/2021-CPA

Dated: 13th September 2021

Respected Sir,

Kindly refer to this Ministry's OM no. Q-16017/69/2021-CPA dated 20th July 2021 seeking inputs on the template developed for State Action Plan for placing on NCAP Dashboard (Annexure 1).

2. As you are aware that web-based Dashboard (PRANA) has been developed and actions are underway to populate physical and financial progress of identified activities of various ongoing and proposed schemes of Central Government and respective States/UTs for effective coordination of progress under NCAP including that of State Action Plan.

3. A draft note along with indicative template for preparation of State Action Plan for improvement of air quality was shared with CPCB on 20th July 2021. CPCB was requested to provide the inputs in consultation with NKN/SPCB to make the template comprehensive with respect to NCAP dashboard.

4. Ministry has not received any response from CPCB except views of Maharashtra PCB.

5. In view of above, CPCB is requested to expedite the process with States/UTs and share the finalized templates by 20 September 2021 to the Ministry for further consideration by competent authority before circulation to the templates to SPCBs/UTs and Chief Secretaries for preparation of State Action Plan for improvement in air quality.

With regards,

Yours sincerely,

(Naresh Pal Gangwar)

Shri Tanmay Kumar
Chairman, Central Pollution Control Board

Encl:

1. Ministry's OM no. Q-16017/69/2021
2. Comments of Maharashtra Pollution Control Board

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