

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE BENCH AT CHENNAI  
ORIGINAL APPLICATION NO. 159 OF 2021 (SZ)**

**IN THE MATTER OF:**

**KANKANA DAS**

**.....APPLICANT**

**VERSUS**

**UNION OF INDIA AND ORS**

**.....RESPONDENTS**

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THROUGH



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**Place: Chennai/Delhi**

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**RESPONSE ON BEHALF OF THE APPLICANT TO REPORT DATED  
23.12.2021 OF THE STATE ACTION PLAN FOR RESPONDENT No. 4  
TAMIL NADU POLLUTION CONTROL BOARD**

**MOST RESPECTFULLY SHOWETH:**

**Preliminary Submissions:**

1. The Applicant has filed the above titled Original Application under Section 14 and 20 of National Green Tribunal Act, 2010 raising substantial questions relating to the environment arising out of failure of Central Pollution Control Board, State Boards and State Governments to formulate 'State Action Plan' for Air Pollution for all 23 States by 2020 as envisaged in the National Clean Air Programme (NCAP). NCAP is a statutorily mandated nation-wide programme aimed at preventing and controlling air pollution. There is a failure on part of CPCB and Central Government in formulating the guidelines for the preparation of SAP. NCAP emphasizes on comprehensive mitigation strategies or prevention, control and abatement of air pollution.
2. That the Hon'ble National Green Tribunal. Southern Bench, Chennai vide order dated 29.07.2021 has admitted the above titled application and passed the following order:

***"8. The Central Pollution Control Board and the 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 Programmes (NCAP) and what is the present state of its implementation and how it is being effectively monitored and implemented by the 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. That the Hon'ble National Green Tribunal. Southern Bench, Chennai vide order dated **on 12.11.2021**:

**"18. The Central Pollution Control (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 (CPCCB) and the status of implementation of the same in respective States.**

**19. The respondents are directed to submit a statement regarding the Ambient Air Quality (AAQ) in all 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 of the directions issued by the Central Pollution Control Board (CPC) 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 the Tribunal.**

Thus, it is clear that Hon'ble National Green Tribunal directed Respondent no.4 to submit action taken report and present status regarding the

implementation of NCAP and the AAQ status. With that, the Respondent no: 4 has submitted independent report to mitigate air pollution on 22.12.2021. It is submitted that the following observation of the report are critical.

#### **Response to the Report filed by TNPCB**

4. That the Respondent No. 4 – TNPCB has submitted Report dated 23.12.2021 which is not in compliance with the OM dated 13.10.2021 of MoEF&CC and the template issued by CPCB.
5. It is submitted that in the office memorandum issued by the Ministry of Environment Forest and Climate change on 13.10.2021 clearly mentions that in point 4:

***"It is further requested to share the completed/filled-up template through email in word format by 30<sup>th</sup> November, 2021."***

It can be noted that the format in which the Respondent no.4 has submitted the report is not in compliance with the OM of the MoEF and also not in the template issued by CPCB. Further, no State Action Plan has been submitted by the TNPCB.

6. That the TNPCB has given detailed account of implementation of NCAP for their non-attainment city and million-plus (urban Agglomeration) cities of Tamil Nadu, which include Thootukudi, Chennai urban Agglomeration, Madurai Urban Agglomeration and Trichy urban Agglomeration respectively. However there are no information with respect to the State Action Plan. Formulation of State Action Plan is essential to Achieve NCAP goals. In Para 7.7 of the NCAP emphasized:

***7.7 "Since collaborative and participatory approach involving State Governments, local bodies, relevant central ministries, and other Stakeholder with focus on all sources of pollution form cruz of the Programme, success of NCAP is depending upon active involvement of State Governments. State Governments participation is not limited for evolving an effective implementation strategy but as has been indicated***

*by department of expenditure since the outcome of NCAP would be contingent upon the investments to be made by the States, more involvement of the States in the area of funding is to be explored."*

7. That in para 12 of the order dated 12.11.2021, the Hon'ble Tribunal has sought clarification as to whether the respondent no.4 has engaged any consultant for preparing the State Action Plan and its present status regarding it. However the response from the respondent no.4: remains silent.
8. That with regards to maintaining air quality, the Hon'ble tribunal in vide order dated 12.11.2021 has specifically mentioned to maintain the air quality as good and to take steps to maintain it as best. However analyzing the Air Quality Index (AQI) in the report filed by TNPCB, the AQI is ranged between good to satisfactory in most of the stations except Tiruppur and Tirunelveli. Owing to the construction activities, poor road conditions, traffic congestions and vehicular pollution, the air quality remains moderate.
9. That the industrial town of Gummidipoondi in Chennai and Kodungaiyur station has reported moderate air quality that brings to the urgency of preparing an State Action Plan that is not just limited to the non-attainment cities/ million plus urban agglomerations but also to whole state of Tamil Nadu
10. That the report submitted by respondent no.4 is only for non-attainment cities but that too has to go a long way to shift the air quality index from moderate to good. It is pertinent for the state to have implementation strategy and targets in every districts and not just non-attainment cities so as to mitigate the issue of air pollution as disregarding it would directly hamper the rights of citizens to have pollution free air.

11. Therefore, it is submitted that in the light of the orders of this Hon'ble Tribunal the respondent may be directed to submit a comprehensive status on the State Action Plan.

THROUGH



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