

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

ORIGINAL APPLICATION NO.537 OF 2022

MUKESH KUMAR CHAUHAN

--- APPLICANT

VERSUS

STATE OF U.P. & ORS.

--- RESPONDENTS

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FILED BY:

GIGI.C.GEORGE

ADVOCATE

STANDING COUNSEL(UOI)

NATIONAL GREEN TRIBUNAL

M-9810625315

Dt.09.11.25

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI
 O.A. NO. 537/2022
 MUKESH KUMAR CHAUHAN
 VERSUS
 STATE OF UTTAR PRADESH & ORS.

---- APPLICANT

----- RESPONDENTS

N.D.O.H. :-13.11.2025

ACTION TAKEN REPORT/STATUS REPORT ON SANCTIONED WORK FOR UPGRADATION OF HARDUAGANJ GOODS SHED TO CONTROL/ABATEMENT OF ENVIRONMENTAL POLLUTION ON BEHALF OF DRM, NORTH CENTRAL RAILWAY, PRAYAGRAJ, UTTAR PRADESH

Pointwise works sanctioned and their current status are as follows-

S. N.	WORK SANCTIONED	STATUS OF WORK
1.	Boundary wall-700m	<ul style="list-style-type: none"> • Work of boundary wall along with sheet covering has been completed. • In addition to this, plantation along the boundary wall fence is also being done.
2.	Track work for full operation (750m from 360m)	<ul style="list-style-type: none"> • Track work has been completed
3.	Earth filling-14700 cubic m (currently increased up to 49100 cubic m)	<ul style="list-style-type: none"> • Current progress is 35000 Cubic m. Balance work is in progress.
4.	Provision of heavy duty wharf (700m x 30m x 0.6m)	<ul style="list-style-type: none"> • Currently 700mx14m has been completed. Balance work is under progress.
5..	Proper drainage system(2x700m)	<ul style="list-style-type: none"> • Under progress.
6.	Approach road RCC-1800m	<ul style="list-style-type: none"> • 90% work has been completed and balance work is in progress.
7.	High Mast Tower-02	<ul style="list-style-type: none"> • It has been erected.
8.	Provision of CCTVs for monitoring loading & unloading areas.	<ul style="list-style-type: none"> • CCTV Pole erection has been completed. • HDPE duct laying work completed. • Approx. 50% work completed and remaining work under progress

Guidelines of Railway board to control pollution is enclosed herewith as **annexure -1**.

Atyada
 Sr. Divisional Commercial Manager/Freight
 North Central Railway, Prayagraj

वरिष्ठ संचालक बाणिज्य प्रबन्धक
 Sr. Divisional Commercial Manager
 उत्तर मध्य रेलवे, प्रयागराज
 North Central Railway, Prayagraj

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD**

No. 2015/EnHM/15/01

New Delhi, dated 16.04.2018

**General Managers,
All Zonal Railways**

SUB: Pollution at Railway Sidings and Goods Sheds

A Committee of ED/EnHM/ME/RB and CCM/Catering/NR was nominated vide Railway Board's Order No. ERB-I/2016/23/19, dated 08.04.2016 and 16.01.2017/08.08.2017 to Study and submit Report on the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and actions to be taken.

Based on recommendations of the Committee accepted by Board (MRS & MT) following directions are issued :

- 1. Keeping in view the statutory / legislative provisions**
 - a) Wherever new siding/goods shed/Private freight Terminal/ any loading / unloading point is being developed / constructed, 'Consent to Establish' should be taken from State Pollution Control Board by the owner or the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas / air pollution control areas and categorisation of Industrial Sectors.**
 - b) Wherever the sidings are existing, 'Consent to Operate' / 'Consent for Operation' should be obtained from State Pollution Control Board by either owner or by the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas / air pollution control areas and categorisation of Industrial Sectors.**
 - c) Zonal Railways must be aware of Air Pollution Control Areas notified by respective SPCBs and ensure compliance to applicable environmental legislations. Necessary clause may be incorporated in agreements of sidings. For railway owned sidings and goods sheds, the responsibility lies directly with the Railways.**
 - d) In addition to air pollution, water pollution and noise pollution should also be taken care of depending upon the extent of pollution and environmental impact for specific commodities and locations.**

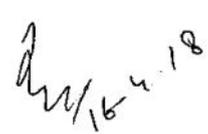
G1)F

2. Some protective measures to be taken at loading/unloading points by the owner or railways as the case may be, are
- a) Paved approach roads with adequate traffic carrying capacity should be provided at each loading /unloading point. The existing roads which are in bad condition should be repaired and maintained.
 - b) To control dust pollution, water sprinkling system through mechanised system or tankers should be provided as per requirement. Proper waste water/drainage system shall be provided at loading/unloading points as per requirement.
 - c) Appropriate green belt cover to be provided at the loading/unloading point to mitigate pollution.
 - d) Where necessary, the heavy loading and unloading traffic handling points to be provided with dust screen walls along periphery of the premises with adequate height.

Copy of the report of the Committee No. 2015/EnHM/15/01 dated 16.08.2017 in six pages is enclosed for necessary action by all Zonal Railways.

A Report on *Inventorisation of Railway Sidings and Guidelines for their Environment Management* submitted to Central Pollution Control Board by RITES in March 2015, which is available on the website of CPCB cpcb.nic.in under New Reports, may also be seen for guidance.

Encl: Report of the Committee
in six pages.


(Shivendra Mohan)
Executive Director
EnHM / ME

Copy to PCCMs,
All Zonal Railways

No. 2015/EnHM/15/01

Report of the Committee to Study the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and action to be taken.

1.0 Background

Ministry of Railways (Railway Board), vide Order No. ERB-1/2016/23/19, dated 08.04.2016 and 16.01.2017, constituted a Committee to study and submit report on the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and actions to be taken. Accordingly, following officers were nominated by Board-

- (i) Shri Shivendra Mohan, ED/EnHM/ME/Railway Board as Convenor
- (ii) Smt. Archana Srivastava, CCM/Ctg/NR as Member

Terms of Reference given to the Committee are as follows -

- To study and submit report on the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and action to be taken.
- The Committee can take assistance of an expert Consultant for arriving at their final recommendation. Expert consultant will be engaged by EnHM Directorate through a Railway PSU.

2.0 Methodology

The Committee on the basis of terms of reference held discussion with officials of RITES who had studied and prepared a report on *Inventorisation of Railway Sidings and Guidelines for their Environment Management*. Besides, Committee held discussions with number of Zonal Railways and former Member Secretary of CPCB. Committee also went through a number of documents available on the subject. The main documents are listed below-

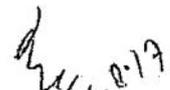
- (i) Legislation on the subject- "*The Air (Prevention and Control of Pollution) Act, 1981*" and its amendment issued in 1987.
- (ii) Directives/Circulars on the subject issued by the Ministry of Railways.

- (iii) Report on *Inventorisation of railway sidings and guidelines for their environment management* submitted to Central Pollution Control Board by RITES in March 2015. This report is available on the website of CPCB cpcb.nic.in under New Reports.
- (iv) Final document on Revised Classification of Industrial Sectors under Red, Orange, Green and White Categories (February, 2016) published by CPCB.
- (v) Reports from various Zonal Railways on sidings/goods shed etc.

3.0 Observations

- 3.1 During the preliminary meetings held by the Committee it was decided to collect data from Zonal Railways so that field position can be assessed. Further, Committee also went through report on *Inventorisation of railway sidings and guidelines for their environment management* in detail and decided that since complete study has been done by RITES prior to finalization of the report therefore, it was felt that there is no need to engage any consultant for further studies.
- 3.2 Committee on the basis of discussions and data collected from Zonal Railways noted that on some of the Zonal Railways for some of the commodities, consent from State Pollution Control Board either is taken prior to opening of siding or of the existing siding. This is mainly subjective and largely dependent on the fact that wherever there has been issues raised by the local public or a case filed by the local public with State Pollution Control Board, the railways have gone ahead and taken permission.
- 3.3 Further, it was observed by the Committee from the Report on *Inventorisation of railway sidings and guidelines for their environment management* that mostly the sidings have some or other kind of pollution control mechanism already in place wherever there is manual loading/unloading. For example- water sprinkler, covering of material by plastic sheets, plantation etc. However, it is felt that in some cases these measures are either not sufficient or are not covering the Pollution Control Board's guidelines as such there is need to upgrade the same.
- 3.4 The committee also observed that different kind of measures are required for managing pollution of different kind from different type of commodities.


16.8.17


16.8.17

(i) **Coal and mineral handling points**

Generally, dust pollution in such sidings is much more as compared to rest of the commodities. Hence the sidings involving these commodities need more protective measures to minimise the generation of dust pollution from various activities involved at sidings. It is felt by the committee that-

- As far as possible loading /unloading of such commodities should be kept away from the residential area, school/colleges, Historical Monuments, Religious Places, Ecological sensitive areas as well as forests areas.
- The sidings should preferably have mechanized loading/unloading system from rolling stock.
- Efforts should be made to minimise/ reduce drop heights so as to control spreading of dust during loading and unloading operations.
- The stockpile should have adequate dimensions so that wind erosion from the stockpile will be minimum. The loading/unloading at stockpile should preferably be done by mechanised means.
- Sidings should have paved approach roads with adequate traffic carrying capacity. The existing haul roads which are in bad condition should be repaired and maintained. The roads should have proper camber to avoid the water logging on the roads.
- The heavy loading and unloading traffic siding should preferably have dust screen walls all along periphery of the premises with adequate height.
- Water sprinkling system should be used at loading /unloading point and along the haul roads either mechanised or through water tankers.
- Proper waste water/drainage system shall be provided at sprinkling area of loading, unloading and storage so that water drained is collected at a common tank and can be reused.
- The loading/unloading points should be provided with thick rows of plantation having tall growing trees all along the periphery, inside and outside of the premises and along the road.

(ii) **POL handling points**

The Committee feels that in case of POL unloading/loading points following is required-

- All components of POL loading /unloading depot should be designed and maintained as per specified standards of oil companies fulfilling safety provisions (OISD standards).

- The loading/unloading operation shall be carried out under close supervision of authorised person.
- Network of drainage system along the rail track to collect drained oil from various equipment and other places of likely oil spillage. The drainage shall lead to oil water separator (OWS) / effluent treatment plant (ETP).
- Loading points to have quick shut-off valves to avoid leakages.
- Waste water and storm water collection and disposal system.
- Roads should be provided to serve all areas requiring access for the operation, maintenance and fire fighting.

(iii) Other loading/unloading points

It has been noted by the Committee that the major dust pollution is generated through haul roads at food grain, fertilizer, other common commodity handling points. Haul roads at many sidings of this category are in bad condition and need immediate repair.

- Sidings should have paved approach roads.
- Water sprinkling system through mechanised system or tankers should be provided as per requirement.
- These siding shall ensure regular sweeping of dust from road and also ensure that there is adequate space for free movement of vehicles.
- Proper waste water/drainage system shall be provided at sidings/goods sheds.
- The waste water should be collected at a common tank and can be reused after screening or providing effective treatment.
- The siding area should have thick green belt cover to control the air and noise pollution.

3.5 In **C & AG** report no. 21 of 2012-13 (Railways) Para 2.3.1 it is noted that Railway Board had stipulated (June' 2009) that before issue of Railway Receipt for booking of freight (Iron ore, steel and cement) Railway Administration should ensure one time submission of consent for operation (CFO) to the Sr. DCM of the Division in which the loading takes place. Test check by Audit revealed that CFO was obtained only for 55 % (19 out of 34) sidings. It is also noted that some Railways are interpreting Railway Board's instructions of June' 2009 as though obtaining of CFO was not required for sidings with only unloading facilities.

3.6 Third report of **Public Accounts Committee** (2014-15, 16th Lok Sabha) - Environment Management in Indian Railways, Stations, Trains & Tracks have stated that consent for operation from State Pollution Control Board was obtained in only 55% of

the sidings test checked. Specific guidelines have not been issued to Zonal Railways for obtaining consent for operation (CFO) under Air (Prevention and Control of Pollution) Act 1981 from the SPCB concerned. This has resulted in inconsistency and variable understanding of issue by various Zonal Railways.

- 3.7 In the Revised Classification of Industrial Sectors under Red, Orange, Green and White Categories (February, 2016) published by CPCB, Industrial Sectors have been categorised under Red, Orange, Green and White Categories. 'Mineral stack yard / Railway sidings' have been included in Green Category. 'Facility of handling, storage and transportation of food grains in bulk' is also included in Green Category. State Pollution Control Boards can do additions to this list. Obtaining 'Consent to Operate' is not necessary only for White Category of Industries.

4.0 Statutory Provisions

From the Air (Prevention and Control of Pollution) Act, it is noted that -

- (a) As per provision in Sec. 21 (1) & (2), no person can establish or operate any industrial plant without the previous consent of State Pollution Control Board. Every application for consent shall be made in Form I and shall be accompanied by prescribed fee.
- (b) U/S 22, 22(A) operating any industrial plant so as to cause emission of any air pollutant in excess of standard laid down by State Board is liable for litigation by the Board.
- (c) U/S 19 of the Act, the State Govt. in consultation with SPCB is vested with power to declare Air Pollution Control Area in which provisions of the Act shall be applicable.

5.0 Recommendations

- 5.1 Keeping in view the statutory / legislative provisions it is recommended that-
- a) Wherever new siding/good shed/Private freight Terminal/ any loading unloading point is being developed / constructed, 'Consent to Establish' should be taken from State Pollution Control Board by the owner or the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the

notified areas / air pollution control areas and categorisation of Industrial Sectors.

- b) Wherever the sidings are existing, 'Consent to Operate' / 'Consent for Operation' should be obtained from State Pollution Control Board by either owner or by the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas / air pollution control areas and categorisation of Industrial Sectors.
- c) Zonal Railways must be aware of Air Pollution Control Areas notified by respective SPCBs and ensure compliance to applicable environmental legislations. Necessary clause may be incorporated in agreements of sidings. For railway owned sidings and goods sheds, the responsibility lies directly with the Railways.
- d) In addition to air pollution, water pollution and noise pollution should also be taken care of depending upon the extent of pollution and environmental impact for specific commodities and locations.
- 5.2 Committee also recommends some protective measures to minimise air pollution at loading/unloading points by the owner or railways as the case may be and are listed below-
- a) Paved approach roads with adequate traffic carrying capacity should be provided at each loading /unloading point. The existing haul roads which are in bad condition should be repaired and maintained.
- b) Water sprinkling system through mechanised system or tankers should be provided as per requirement. Proper waste water/drainage system shall be provided at loading/unloading points.
- c) The loading/unloading point should have adequate green belt cover to control pollution.
- d) Where necessary, the heavy loading and unloading traffic handling points to be provided with dust screen walls along periphery of the premises with adequate height.

16/16.8.17
(Shivendra Mohan)
ED/EnHM/ME/RB
Convenor
16.08.2017

16.8.17
(Archana Srivastava)
CCM/Catering/NR
Member
16.08.2017

Item No.2

(Court No. 2)

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

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No.323/2022

**Mr. G. PRAMOD NAIDU,
17/A, BOBJI PARK, RING ROAD NO. 2,
BILASPUR, CHHATTISGARH,
EMAIL pramodnaiduucgp5@gmail.com**

...Applicant

VERSUS

**1. DIVISIONAL RAILWAY MANAGER,
EASTERN RAILWAY,
BILASPUR, CHHATTISGARH,
358F+4M9, Railway Colony, Bilaspur,
Chhattisgarh 495004,
Email: drm@bsp.railnet.gov.in**

**2. CHHATTISGARH STATE POLLUTION CONTROL BOARD,
Commercial Complex,
Chhattisgarh Housing Board Colony,
Kabir Nagar, Raipur, Chhattisgarh,
Email Address: hocecb@gmail.com**

**3. COLLECTOR, BILASPUR
Nehru Chowk,
Bilaspur, Chhattisgarh 495001,
Email Address: collector-bsp.cg@gov.in**

**4. Ministry Of Environment, Forest and Climate Change
Paryavaran Bhawan, Jorbagh,
New Delhi-110003
Email: scey-moef@nic.in**

**5. Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Delhi-110032,
Email : ccb.cpcb@nic.in/
mscb.cpcb@nic.in**

**6. Chairperson, Railway Board
256-A, Raisina Road, Rajpath Area,
Central Secretariat, New Delhi-110001
Email: crb@rb.railnet.gov.in/secyfroa@gmail.com/
presidentfroa@gmail.com**

...Respondents

O. A. No. 323/2022

G.Pramod Naidu vs. DRM Eastern
Railway, Bilaspur & Ors.

-2-

Date of hearing: 22.03.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None.

Respondents: Mr. Gi. Gi. C. George and Mr. Ansuman, Advocate, for
respondent no. 1.
Mr. Vikas Kumar, Senior Divisional Manager, Eastern
Railway (through VC).
Mr. Abhinay Sharma, Advocate for respondent no. 2.
Ms. Suhasini Sen, Advocate for respondent no. 4.
Mr. Anuj Bandari and Mr. Mukul Kumar Singh,
Advocate for respondent no. 5.
None for respondents No.3 and 6

Application is registered based on a complaint received by Email**ORDER**

1. The grievance of Mr. G. Pramod Naidu resident of 17/A, Bobji Park, Ring Road No 2, Bilaspur, Chhattisgarh in the present letter petition, which has been treated and registered as Original Application, is that South Eastern Railway is transporting coal filled in open wagons from Bilaspur. Transportation of coal in open wagons is spreading dust and causing heavy air pollution creating serious health hazards to local residents living near the railway tracks.

2. Vide order dated 11.05.2022, this Tribunal constituted a Joint Committee comprising of State PCB, DRM South East Central Railway, Bilaspur and Collector, District-Bilaspur with direction to submit Factual and Action Taken Report. The relevant part of order reads as under:-

“X X X X X

In view of the averment made in the application, it would be appropriate to have a factual and action taken report from a Joint Committee comprising of State PCB, DRM Eastern Railway, Bilaspur and Collector, Bilaspur. State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks, undertake site visits, look into the grievances of the applicant and take requisite

-3-

action by following due process of law. Factual and action taken report may be furnished within two months by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF...

3. In compliance thereof, the report of the Joint Committee has been filed by Regional Officer, Chhattisgarh Environment Conservation Board, Bilaspur vide email dated 07.09.2022. The relevant part of the report reads as under:-

“Report of the Committee formed as per order of the Hon’ble NGT in the Original Application No. 323/2022 G.Pramod Naidu Vs. State of Chhattisgarh.

X X X X X X

As per the order of the Hon’ble Tribunal dated 11/05/2022, a joint committee was formed comprising of State PCB, DRM South East Central Railway, Bilaspur and Collector, District-Bilaspur (C.G.). The State PCB (Chhattisgarh Environment Conservation Board), DRM South East Central Railway, Bilaspur and Collector, District-Bilaspur (C.G.) have nominated the following officials for comprising the joint committee-

1. *Mr. Tularam Bharadwaj, Sub-Divisional Magistrate (Revenue), Division- Bilaspur, District-Bilaspur (C.G.) as representative for Collector, District- Bilaspur (C.G.).*
2. *Mr. Devvrat Mishra, Regional Officer, Regional Office, Chhattisgarh Environment Conservation Board, Bilaspur (C.G.) as representative for Chhattisgarh Environment Conservation Board (CECB).*
3. *Mr. Rajesh Kumar Sah, Assistant Commercial Manager- I (Goods), South East Central Railway as representative for DRM South East Central Railway, Bilaspur, District- Bilaspur (C.G.).*

The joint committee visited and inspected the site on date 24/08/2022. The factual and action taken report of the committee on the issue raised in OA No. 323/2022 is submitted for your kind perusal/ further necessary action. The Joint Committee has relied upon several documents for making this report and the documents are annexed along with report. The list of annexures is as follows-

1. *Annexure-1:- Copies of the Photographs taken during the visit of the committee.*
2. *Annexure-2:- The copy of the letter sent by the Regional Officer, Chhattisgarh Environment Conservation Board to Assistant Commercial Manager- I (Goods), South East Central Railway.*
3. *Annexure-3:- The copy of the letter received by the Regional Officer, Chhattisgarh Environment Conservation Board from*

Assistant Commercial Manager- I (Goods), South East Central Railway.

Report of the Committee formed as per order of the Hon'ble NGT in the Original Application No. 323/2022 G. Pramod Naidu Vs State of Chhattisgarh.

S.no .	Key point mentioned in the order of the Hon'ble National Green Tribunal	Response of the Committee
1.	<p><i>This Application is filed based on the complaint of Mr. G. Pramod Naidu resident of 17/A, Bobji Park, Ring Road No 2, District- Bilaspur, Chhattisgarh raising the issue that South Eastern Railway is transporting coal filled from Bilaspur in open coaches due to which coal dust is spreading and causing heavy air pollution creating serious health hazards to local residents living near the railway tracks.</i></p> <p><i>In view of the averment made in the application, it would be appropriate to have a factual and action taken report from a Joint Committee comprising of State PCB, DRM South East Central Railway, Bilaspur and Collector, Bilaspur. State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks, undertake site visits, look into the grievances of the applicant and take requisite action by following due process of law.</i></p>	<p><i>The Committee visited the house of the applicant on date 24/08/2022. The applicant was not present in his house during the inspection. The committee observed that the railway line so complained is situated just behind the residence of the applicant. However, no accumulation of coal dust was observed around the premises of the residence of the applicant nor was there any coal dust found in the residential colony within which the house of the applicant is situated. Photographs taken during the visit of the committee are hereby attached as Annexure-1.</i></p> <p><i>The Regional Officer of Chhattisgarh Environment Conservation Board sent a letter to Assistant Commercial Manager- I (Goods), South East Central Railway on date 24/08/2022, thereby directing them to ensure that the transportation of coal through the railway line situated behind the house of the applicant should only be done through covered railway wagons and also asked them to take necessary action on the complaint of the applicant. The copy of the said letter is hereby attached as Annexure-2.</i></p> <p><i>The Assistant Commercial Manager- I (Goods), South East Central Railway replied to the letter of the Regional Officer by</i></p>

		<p>their letter dated 25/08/2022. In this letter, the Assistant Commercial Manager- I annexed the letter of Joint Director, Traffic Commercial (Rates) Railway Board. This letter contains the revised packing conditions for goods moved by railway. It would be appropriate to iterate the following extract of this letter-</p> <p>“P-2 Loose/Bulk Consignments</p> <p>(a) No specific packing condition is required for commodities such as Ashes, Bricks, Coal & Coke, Gypsum, Clay, Limestone & Dolomite, Pig Iron, Sand, Stone, Ores etc., which are offered in Bulk/Loose consignments.”</p> <p>The said letter of Assistant Commercial Manager- I also contained a letter from Director, Traffic Commercial (Rates), Railway Board. It would be appropriate to iterate the following extract of this letter-</p> <p>“General conditions have been notified for packing various commodities being transported by rail. For transportation of loose/bulk consignments, no specific packing condition is required vide letter referred at (ii) above.”</p> <p>It is clear from a mere reading of the extracts mentioned above that there is no specific packing condition or terms for loose/bulk consignments and coal is considered a loose/bulk consignment. Hence, there is no obligation of covering the coal so transported via open wagons on either the consigner or the railway department. The railway merely acts as a transporter of the goods, which is clear from the above iterated extracts. A copy of the letter from Assistant</p>
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		<i>Commercial Manager-I (Goods), South East Central Railway is hereby attached as Annexure 3.</i>
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4. Vide order dated 15.09.2022, this Tribunal ordered issuance of notices to (1) DRM Eastern Railway, Bilaspur, (2) Chhattisgarh State PCB and (3) Collector, Bilaspur.

5. In compliance thereof, reply on behalf of the respondent no. 1 has been filed vide email dated 25.11.2022 and reply on behalf of the respondent no. 2 has been filed vide email dated 18.11.2022.

6. The relevant part of the reply filed by respondent no. 1-South East Central Railway, Bilaspur vide email dated 25.11.2022 is reproduced below:-

“ X X X X X
 5. That the Ministry of Railways from time to time issued various Circulars regarding transportation and packing condition of goods moved by Railways. Indian Railway has two types of Wagons i.e. Open Wagon and Covered Wagon. Generally food items are transported in covered wagons. Circular No.24 of 2006 dt.23.03.2006 of Ministry of Railways specify the revised packing conditions for goods moved by Rail which is annexed as Annexure-R-1. The said circular specifies the general conditions, specific packing conditions, bagged consignments, loose/bulk consignments etc. The said circular in P-2 a) says " No specific packing condition is required for commodities such as Ashes, Bricks, Coal & Coke, Gypsum, Clay, Limestone & dolomite, pig Iron, Sand, Stone, Ores etc. which are offered in Bulk/Loose consignments"

6. That the Ministry of Railways vide Circular No.27 of 2016 dt.20.10.2016 has offered freight incentive scheme for loading bagged consignment in open and flat wagons for certain hazardous goods. The said Circular is annexed as Annexure-R-2. The Ministry of Railways vide Order No.ERB-1/2016/23/19 dt.08.04.2016 and 16.01.2017 constituted a two member of committee to study and submit report on the extent of pollution in handling of pollution intensive commodities at Sidings and Good Sheds and action to be taken. The report of the said Committee is annexed as Annexure-R-3. The said committee in its report has clearly specified and discussed regarding Coal and Mineral handling. In this report the committee has recommended certain measures which are below:-

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a) *As far as possible loading/unloading of such commodities should be kept away from the residential area, school/colleges, historical monuments, religious places, ecological sensitive areas as well as forest areas.*

b) *The sidings should preferably have mechanized loading/unloading system from rolling stock.*

c) *Efforts should be made to minimize/reduce drop heights so as to control spreading of dust during loading and unloading operations.*

d) *The stockpiles should have adequate dimensions so that wind erosion from the stockpile will be minimum. The loading/unloading at stockpile should preferably be done by mechanised means.*

e) *Sidings should have paved approach roads with adequate traffic carrying capacity. The existing haul roads which are in bad condition should be repaired and maintained. The roads should have proper camber to avoid the water logging on the roads.*

f) *The heavy loading and unloading traffic siding should preferably have dust screen walls all along periphery of the premises with adequate height.*

g) *Water sprinkling system should be used at loading/unloading point and along the haul roads either mechanised or through water tankers.*

h) *Proper waste water/drainage system shall be provided at sprinkling area of loading, unloading and storage so that water drained is collected at a common tank and can be reused*

i) *The loading/unloading points should be provided with thick rows of plantation having tall growing trees all along the periphery, inside and outside of the premises and along the road.*

That taking in to account the recommendations of the committee constituted by the Ministry of Railway on 08.04.2016 which is accepted by the Railway Board a fresh directions were issued by Ministry of Railways to all General Managers and Zonal Railway offices by Circular No.2105/EnFIM/15/01 dt.16.04.2018. The copy of the said directions is annexed as Annexure-R-4.

8. That the Ministry of Railways has issued further guidelines for prevention of pollution in handling pollution intensive commodities while transporting in open and flat wagons vide Circular No.TCR/1057/2018/02 dt. 30.09.2019. The copy of the said Circular is annexed as Annexure-R-5. The Ministry of Railways vide Circular No. TC-1/2019/201/6-Part(1) dt.

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21.10.2020 has provided additional free time for covering open wagons with Tarpulins at all kinds of freight terminals e.g. goods sheds, sidings (including EOL sidings), PFTs etc. The copy of the said circular is annexed as Annexure-R-6.

X X X X X

10. That in the Goods Shed, when the coal is filled in the wagon, it is wetted through sprinklers and filled in the wagon, so that there is least possibility of pollution in the circulating areas.

11. That Railway Goods Sheds are also being developed on PPP model incorporating compliance of all the pollution mitigation measures. Recently, Jairamnagar public sidings has been developed on PPP model duly complying all the measures of State Pollution Control Board (SPCB) guidelines.

12. That Sidings from where coal is loaded obtain "Consent to Operate" from State Pollution Control Board which is being monitored by railway for time to time renewal and further compliances.

13. That, in Bilaspur Division 102 Electronic In Motion Weighbridges/Pre-weighbin are installed. All the rakes are weighed and after weighment, if overload is detected, rake is pushed back for load adjustment. This practice is done to minimize the pollution spreading due to overloaded coal / loose commodity during transportation.

14. That there is penalty provision in case of overloading against the Permissible Carrying Capacity (PCC) of the wagons. The penalty provision deters the loading agency from overloading and thus least possibility of pollution spreading in circulating areas.

15. That it is evident and apparent from the above paras that the Railway is taking various measures to reduce pollution while loading and transporting goods from one place to another and compliance of various directions of the State Pollution Control Boards are executed."

7. In its reply respondent no. 2- Chhattisgarh State Pollution Control Board (CECB) has submitted that the Assistant Commercial Manager-I (Goods), South East Central Railway has been directed to act in terms of the letter dated 24.08.2022 and if any further complaint is received in this regard, the Respondent No.2 would take appropriate action in accordance with law.

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8. Vide order dated 29.11.2022, this Tribunal impleaded MoEF & CC, CPCB and Chairperson of the Railway Board as additional respondents no. 4 to 6 and ordered issuance of notices to them.

9. In compliance thereof reply has been filed by respondent no. 4 vide email dated 05.03.2023, response has been filed by the respondent no. 5 vide email dated 10.01.2023 and reply has been filed by respondent no. 6 vide email dated 15.03.2023.

10. The relevant part of the reply by respondent no. 4-MoEF & CC is reproduced below:-

“AFFIDAVIT ON BEHALF OF RESPONDENT - MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE.

X X X X X
5. That the Railway Board, Ministry of Railways vide its document No. TCR/1057/2018/02 dated 30.09.2019 regarding covering of loaded wagons with Tarpaulin Sheet advised to use tarpaulin sheet for covering the wagons before transportation of pollution intensive commodities.

A copy of the document No. TCR/1057/2018/02 dated 30.09.2019 issued by the Railway Board, Ministry of Railways is annexed herewith as ANNEXURE R-1.

6. That it is further submitted that in exercise of the powers conferred by Section 3, Section 6 and Section 25 of the Environment Protection Act, 1986 (29 of 1986) read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rules, in public interest, amended the Environment (Protection) Rules, 1986 vide its Notification No. S.O. 1561 (E) dated 21.05.2020 which also mentions about the coal transportation by covered railway wagons and/or covered conveyer beyond the mine area. That it is most respectfully submitted that vide the above-mentioned Notification, the Rules were amended upto the following extent:

...(3) Transportation:

(i) Coal transportation may be undertaken by covered Railway wagon (railway wagons covered by tarpaulin or other means) and/or covered conveyer beyond the mine area. However, till such time enabling Rail transport/conveyer infrastructure is not available, road transportation may be undertaken in trucks, covered by tarpaulin or other means....”

A Copy of the Notification No. S.O. 1561 (E) dated 21.05.2020 issued by the Ministry of Environment, Forest and Climate Change is annexed herewith as ANNEXURE R-2.

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7. Further, vide the afore-mentioned Notification, the Central Government also clarified that the above condition along with other conditions shall be deemed to be additional conditions of the relevant Environmental Clearance for respective projects for financial year 2020-21 and onwards. Further, the existing Environmental Clearance shall also stand modified so as to make the above conditions operative for relevant sectors.

8. That the present affidavit is being filed by the Respondent, however, the role of the Answering Respondent Ministry is limited to the extent with regard to evolving/ framing standards, under the mandate of the Environment (Protection) Act, 1986. The standards are revisited and revisions, modification or amendments are published in the gazette.....”

11. The relevant part of the Response by respondent no. 5- CPCB is reproduced below:-

**“REPLY OF CENTRAL POLLUTION CONTROL BOARD (CPCB)
RESPONDENT NO. 5**

X X X X X

3. As per factual and action taken report provided by Chhattisgarh Environment Conservation Board, the Office of Director Traffic Commercial (Rates), Railway Board, Ministry of Railway issued Order No. TCR/1057/2018/02, dated-30.09.2019 to Principal Chief Commercial Manager, All Indian Railways on the subject of covering loaded wagons with Tarpaulin Sheet wherein it has been advised to use tarpaulin sheet for covering the wagons before transportation of pollution intensive commodities. The relevant excerpt of the said order reads as under:-

“It is therefore advised that due precautions should be taken while transporting / handling pollution intensive commodities. Tarpaulin sheet for covering the wagon should be securely tied before transportation to comply directives of State Pollution Control Board»

A copy of order dated 30.09.2019 issued by Office of Director Traffic Commercial (Rates), Railway Board, Ministry of Railway issued Order No. TCR/1057/2018/02 is annexed herewith as ANNEXURE-1.

4. Further, MoEF&CC vide its Notification No. S.O. 1561 (E), dated 21.05.2020 has directed that coal. transportation may be undertaken by covered railway wagon (railway wagons covered by tarpaulin or other means) and/or covered conveyor beyond the mine area. A copy of the Notification No. SO. 1561 (E), dated 21.05.2020 is annexed herewith as ANNEXURE-2

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5. It is therefore submitted that the aforesaid two notifications / orders makes it sufficiently clear that the railway wagons are required to be covered while transporting coal and therefore the concern of highlighted in the OA can be addressed if the aforesaid notifications are directed to be complied with by the concerned parties particularly while crossing any residential areas”

12. The relevant part of the reply by respondent no. 6-Railway Board is reproduced below:-

“Reply on behalf of Railway Board

X X X X

4. That the Ministry of Railways from time to time issued various circulars regarding transportation and packing condition of goods moved by Railways. Indian Railways has two types of Wagons i.e. Open Wagon and Covered Wagon. Generally food items are transported in covered wagons. Circular No.24 of 2006 dt.23.03.2006 of Ministry of Railways specify the revised packing conditions for goods moved by Rail which is already annexed with the reply of Respondent No.1. The said circular specifies the general conditions, specific packing conditions, bagged consignments, loose/bulk consignments etc. The said circular in P-2 a) says "No specific packing condition is required for commodities such as Ashes, Bricks, Coal & Coke, Gypsum, Clay, Limestone & Dolomite, Pig Iron, Sand, Stone, Ores etc. which are offered in Bulk/Loose consignments".

5. The Ministry of Railways vide Order No.ERB-1/2016/23/19 dt.08.04.2016 constituted a two members committee to study and submit report on the extent of pollution in handling of pollution intensive commodities at Sidings and Good Sheds and action to be taken. The report of the said Committee is already annexed with reply of Respondent No.1. The said committee in its report has clearly specified and discussed regarding Coal and Mineral handling. In this report the committee has inter-alia recommended certain measures with regard to Coal and mineral handling which are below

a) As far as possible loading/unloading of such commodities should be kept away from the residential area, school/colleges, historical monuments, religious places ecological sensitive areas as well as forest areas.

b) The sidings should preferably have mechanized loading/unloading system from rolling stock.

c) Efforts should be made to minimize/reduce drop heights so as to control spreading of dust during loading and unloading operations.

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d) The stockpiles should have adequate dimensions so that wind erosion from the stockpile will be minimum. The loading/unloading at stockpile should preferably be done by mechanized means.

c) Sidings should have paved approach roads with adequate traffic carrying capacity. The existing haul roads which are in bad condition should be repaired and maintained. The roads should have proper camber to avoid the water logging on the roads.

f) The heavy loading and unloading traffic siding should preferably, have dust screen walls all along periphery of the premises with adequate height.

g) Water sprinkling system should be used at loading/unloading point and along then haul roads either mechanized or through water tankers.

h) Proper waste water/drainage system shall be provided at sprinkling area of loading, unloading and storage so that water drained is collected at a common tank and can be reused.

i) The loading/unloading points should be provided with thick rows of plantation having tall growing trees all along the periphery, inside and outside of the premises and along the road.

6. That taking into account the recommendations of the committee constituted by the Ministry of Railways on the subject matter on 08.04.2016, which are accepted by Railway Board, fresh directions were also issued to all General Managers and Zonal Railway offices by Railway Board's letter No. 2105/EnHM/15/01 dt.16.04.2018 for Strictly compliance. The copy of said directions is already annexed with the reply of Respondent No. 1 wherein following directions were issued to all Zonal Railways:-

a) Wherever new siding/goods shed/Private freight Terminal any loading/unloading point is being developed / constructed, 'Consent to Establish' should be taken from State Pollution Control Board by the owner or the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas / air pollution control areas and 5 echanized 5 ion of Industrial Sectors.

b)Wherever the sidings are existing, 'Consent to Operate' / "Consent for Operation' should be obtained from State Pollution Control Board by either owner or by the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas / air pollution control areas and categorization of Industrial Sectors.

c) Zonal Railways must be aware of Air Pollution Control Areas notified by respective SPCBS and ensure compliance to applicable environmental legislations. Necessary clause may be incorporated in agreements of sidings. For railway owned

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sidings and goods sheds, the responsibility lies directly with the Railways.

d) In addition to air pollution, water pollution and noise pollution should also be taken care of depending upon the extent of pollution and environmental impact for specific commodities and locations.

e) Paved approach roads with adequate traffic carrying capacity should be provided at each loading/unloading point. The existing roads which are in bad condition should be repaired and maintained.

f) To control dust pollution, water sprinkling system through Sechanized system or tankers should be provided as per requirement. Proper waste water/drainage system shall be provided at loading/unloading points as per requirement.

g) Appropriate green belt cover to be provided at the loading/unloading point to mitigate pollution.

h) Where necessary, the heavy loading and unloading traffic handling points to be provided with dust screen walls along periphery of the premises with adequate height.

7. That the Ministry of Railways vide Circular No. TCR/1057/2018/02 dated 30.09.2019 has laid down provision of tarpaulin sheet for covering open and flat wagons by the consignor at their own cost. Due precaution should be taken while transporting/handling pollution intensive commodities. Tarpaulin sheet for covering the wagons should be securely tied before transportation to comply directives of State Pollution Control Board.

8. The Ministry of Railways vide Circular No.TC-1/2019/201/6-Part(1) dt.21.10.2020 has provided additional free time of one hour per rake for covering open wagons with Tarpaulins during loading of loose/bulk commodities (1.c. Coal, & Coke etc.) at all kinds of freight terminals i.e. good sheds, siding (including EOL Siding). The copy of the said circular is already annexed with the reply of Respondent No.1.

9. That it is evident and apparent from the above paras that the Railway is taking various measures to reduce pollution while loading and transporting goods from one place to another and compliance of various directions of the State Pollution Control Boards are executed....”

13. We have heard learned Counsel for respondents and have gone through the material on record carefully.

14. In the present case, the RO, CECB sent letter dated 24.08.2022 to

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Assistant Commercial Manager- I (Goods), South East Central Railway to take necessary action on the complaint of the applicant and to ensure that the transportation of coal through the railway line situated behind the house of the applicant should only be done through covered railway wagons.

15. The Assistant Commercial Manager- I (Goods), South East Central Railway sent reply dated 25.08.2022 annexing therewith the letter of Joint Director, Traffic Commercial (Rates) Railway Board to the effect that no specific packing condition is required for commodities such as Ashes, Bricks, Coal & Coke, Gypsum, Clay, Limestone & Dolomite, Pig Iron, Sand, Stone, Ores etc., which are offered in Bulk/Loose consignments.

16. In view thereof the Joint Committee has submitted in its report that there is no obligation of covering the coal so transported via open wagons on either the consigner or the railway department. The report submitted by the Joint Committee is materially deficient as the same has not taken note of the subsequent notifications/directions issued and has not looked into the aspects of compliance with the same.

17. The Ministry of Railways **vide Order No.ERB-1/2016/23/19 dt.08.04.2016** constituted a two members committee to study and submit report on the extent of pollution in handling of pollution intensive commodities at Sidings and Good Sheds and action to be taken. The Committee submitted its report dated 16.08.2017 which is already annexed with reply of Respondent No.1 as Annexure R-3. In its report, the Two Member Committee discussed different kind of measures required for managing pollution of different kind from different type of commodities including Coal and Mineral handling points and made detailed recommendations. The recommendations of the Two Member Committee

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constituted by the Ministry of Railways on the subject matter were accepted by Railway Board and fresh directions were issued to all General Managers and Zonal Railway offices by Railway Board vide letter No. 2105/EnHM/15/01 dated 16.04.2018 for strict compliance. MoEF&CC has vide its Notification No. S.O. 1561 (E), dated 21.05.2020 amended Rule 3 of the Environment (Protection) Rules, 1986 where by it is *inter-alia* provided that coal transportation may be undertaken by covered railway wagon (railway wagons covered by tarpaulin or other means) and/or covered conveyor beyond the mine area. The Ministry of Railways has issued Circular No. TCR/1057/2018/02 dated 30.09.2019 mandating covering of open and flat wagons with tarpaulin sheet by the consignor at their own cost; Circular No. TC-1/2019/201/6- Part(1) dated 21.10.2020 for providing additional free time of one hour per rake for covering open wagons with Tarpaulins during loading of loose/bulk commodities (l.c. Coal, & Coke etc.) It is thus evident that **Circular No. 24 of 2006 dated 23.03.2006** issued by the Ministry of Railways, which specified the revised packing conditions for goods moved by Rail, already stands modified by the above referred notification/circulars /directions/orders.

18. In view of the above respondent No.1 -Project Proponent is directed to take, **within five months**, all requisite steps for ensuring compliance with above referred MOEF&CC notification/MOR circulars/ROB directions/orders and also directions issued by this Tribunal vide order dated 28.01.2021 passed in **O.A. No. 533/2019** titled as **Anubhav Kumar Vs. Union of India and Others**. The respondent No.1 -Project Proponent shall in particular ensure strict compliance regarding use of the possible mechanical means for loading-unloading of coal and other commodities likely to cause air pollution in order to reduce the human involvement in handling of the same and providing of requisite personal protection

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equipments to the labourers involved in handling/loading-unloading of coal and other commodities likely to cause air pollution as well as their periodical medical checkups and providing requisite medical facilities to them.

19. The Project Proponent shall submit, within six months, compliance report to the CECB regarding taking of the requisite steps as directed above and also send a copy of the report within six months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF to learned Registrar General of this Tribunal, who may, if so considered necessary, direct the matter to be listed before this bench for further directions in the matter.

20. The CECB is also directed to periodically monitor implementation of such pollution control measures by the respondent No.1-Project Proponent for due compliance with environmental norms and for effective prevention, control and abatement of environmental pollution and upload copies of inspection reports on its website or on the website of Government of Chhattisgarh.

21. The application is disposed of accordingly with the directions as mentioned above.

22. A copy of this order be sent to the applicant and the respondents by post/email for information/requisite compliance

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

March 22, 2023
AG