

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI**

ORIGINAL APPLICATION NO. 159 OF 2021

IN THE MATTER OF:

DHARMESH SHAH

.... APPLICANT

VERSUS

UNION OF INDIA & ORS.

.... RESPONDENTS

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THROUGH



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MOST RESPECTFULLY SHOWETH:

1. That the present Original Application was filed bringing to the attention of this Hon'ble Tribunal the failure of the Central Pollution Control Board (CPCB) to formulate the 'State Action Plan for Air Pollution' for all States by the stipulated deadline of 2020, as envisaged under the National Clean Air Programme (NCAP). At the time of filing, the said State Action Plans (SAPs) had not been formulated for the States of Tamil Nadu, Karnataka, Andhra Pradesh, Kerala and Puducherry.
2. That vide Affidavit dated 07.12.2021, the CPCB placed on record an Indicative Template that had been formulated for the preparation of the State Action Plans. This indicative template was subsequently improvised by the Ministry of Environment, Forest and Climate Change (MoEFCC), and a revised timeline was issued, directing all States to formulate their respective State Action Plans by 30.11.2021.
3. The Applicant herein submits that while the defaulting States have now submitted their respective SAPs, an evaluation of these plans reveals that they are severely inadequate and suffer from systemic and structural flaws across various parameters. The Applicant submits that the subsequent sections detail how these plans fail to meet the

substantive objectives of the NCAP and the Air (Prevention and Control of Pollution) Act, 1981:

FAILURE TO INTEGRATE PUBLIC HEALTH METRICS AND EPIDEMIOLOGICAL DATA:

4. It is respectfully submitted that one of the most glaring deficiencies across all the submitted State Action Plans is the complete absence of a structured and meaningful integration of public health considerations within the air pollution mitigation framework. Air pollution is not merely an environmental issue but fundamentally a public health emergency, directly affecting respiratory health, cardiovascular systems, and overall mortality. However, a perusal of the State Action Plans reveals that none of the Respondent States have attempted to integrate baseline health data, epidemiological indicators, or disease surveillance metrics into their planning framework.
5. It is submitted that the absence of such health-based indicators fundamentally undermines the ability of the State Action Plans to function as effective policy instruments. Without linking air pollution mitigation strategies to human health outcomes, the SAPs operate in isolation from the very harm they seek to address. Consequently, the plans fail to identify pollution hotspots from a public health perspective and are unable to prioritize regulatory interventions in areas where populations face the highest health risks.
6. It is submitted that the Government of India itself has acknowledged the well-established association between deteriorating air quality and the increasing burden of respiratory diseases. The Ministry of Health and Family Welfare has categorically recognized that air pollution is a major contributing factor to respiratory ailments and obstructive lung diseases affecting the population.

7. That in recognition of the growing health risks posed by climate change and air pollution, the Government has operationalized the National Programme on Climate Change and Human Health (NPCCHH) under the National Centre for Disease Control (NCDC). As part of this programme, a sentinel surveillance system has been established in nearly eighty (80) hospitals across eighteen (18) States to monitor the incidence of Acute Respiratory Illness (ARI) and analyse its correlation with prevailing air quality levels.
8. The very objective of this surveillance mechanism is to track the trends of respiratory illnesses reported from sentinel hospitals and to analyse them in relation to fluctuations in urban air quality. Preliminary findings from this surveillance exercise have already indicated that there is a measurable increase in the number of respiratory illness cases during periods when air quality significantly deteriorates.
9. Furthermore, studies conducted by the Indian Council of Medical Research (ICMR) have demonstrated that increased air pollution levels are directly associated with a rise in emergency hospital visits for respiratory illnesses. In a multisite study conducted across major hospitals, including tertiary medical institutions and specialized respiratory disease centres, it was observed that the number of patients visiting emergency rooms increases with rising pollution levels, with the adverse impacts being particularly pronounced among children.
10. It is pertinent to note that despite the availability of such nationally generated health surveillance data, the State Action Plans submitted before this Hon'ble Tribunal fail to incorporate or utilize these datasets in any meaningful manner. None of the plans demonstrate any attempt to coordinate with public health institutions, hospitals, or disease surveillance systems in order to identify pollution-related health trends within the respective States.

11. It is further submitted that the failure to incorporate epidemiological evidence into policy formulation directly contradicts the precautionary principle, which forms a cornerstone of environmental jurisprudence in India. The precautionary principle mandates that where there are credible threats of serious environmental or health damage, the absence of complete scientific certainty cannot be used as a reason to postpone preventive measures. In the present case, the scientific linkage between air pollution and severe health impacts is already well documented through multiple government studies and surveillance initiatives.
12. That the SAPs further fail to identify vulnerable demographic groups who are disproportionately affected by air pollution. Children, the elderly, persons with pre-existing respiratory illnesses, and economically weaker populations residing near industrial clusters or congested transport corridors are particularly susceptible to air pollution-related diseases. However, none of the State Action Plans contain targeted strategies to protect such vulnerable populations or reduce their exposure to hazardous air pollutants.
13. Additionally, the absence of health surveillance integration prevents authorities from evaluating the effectiveness of pollution control measures over time. If public health indicators such as respiratory illness incidence, hospital admissions, and mortality data were systematically integrated into the SAP framework, it would enable the States to measure whether pollution reduction measures are actually translating into improved health outcomes. The complete omission of such indicators therefore deprives the plans of any meaningful mechanism to evaluate their real-world impact.
14. It is submitted that a scientifically robust State Action Plan must necessarily integrate environmental monitoring with public health surveillance. Air quality monitoring data should be systematically linked

with health indicators such as respiratory illness prevalence, hospital admissions, school absenteeism due to respiratory distress, and mortality data associated with air pollution exposure. Such integration would allow the authorities to develop targeted interventions in areas experiencing the highest health burden.

15. Therefore, the failure of the Respondent States to integrate public health metrics, disease surveillance systems, and epidemiological data into their respective State Action Plans renders the entire framework incomplete and ineffective. Without recognising and addressing the direct human health consequences of air pollution, the State Action Plans fall short of fulfilling the objectives of the National Clean Air Programme and fail to adequately safeguard the fundamental right to life and health of the citizens.

AMBIGUOUS TIMELINES AND COMPLETE LACK OF TARGET SPECIFICITY:

16. It is humbly submitted that a perusal of the SAPs submitted by the respective States and Union Territory reveals a glaring ambiguity with regard to the timelines for the completion of various proposed activities. Instead of stipulating realistic and enforceable deadlines, the SAPs of Tamil Nadu, Kerala, Karnataka, Telangana, Puducherry, and Andhra Pradesh repeatedly rely on vague and evasive descriptors. For instance, several activities under critical heads, such as industrial emissions, vehicular emissions, C&D waste management, and the burning of agro-residues, are completely devoid of specific timelines or targets. The plans merely state terms such as "Ongoing," "Completed," "Regular," "Near Completion," or "1 year," or in several instances, the timeline columns are left entirely blank without disclosing any realistic schedule.
17. Further, it is observed that most of these SAPs critically lack clearly defined and measurable reduction targets for specific air pollutants such

as PM_{2.5}, PM₁₀, NO_x, SO_x, and other major contaminants. In numerous instances, the plans merely outline broad or generic mitigation measures without quantifying the expected pollution reductions that these measures are supposed to achieve.

18. That the structural deficiency is compounded by the fact that the SAPs completely fail to specify year-on-year reduction targets or phased timelines. The establishment of such annual targets and phased schedules is an essential prerequisite for assessing the effectiveness of the proposed interventions and for ensuring strict accountability in their implementation.
19. It is crucial to note that the absence of clearly identified baseline pollution levels within these plans makes it impossible to establish a starting point. Without a quantified baseline and year-on-year targets, any subsequent progress cannot be meaningfully measured and benchmarked.

FINANCIAL OPACITY AND THE LACK OF BUDGETARY ALLOCATION:

20. That the Applicant herein submits that an action plan bereft of a dedicated and realistic budget is merely a statement of intent, entirely lacking the foundation required for a legally actionable and executable strategy. A critical review of the SAPs reveals a severe lack of financial transparency, rendering the proposed mitigation measures financially unviable. Across all the respondent States and the Union Territory, there is a glaring lack of information regarding the financial implications and the actual funds allocated for the various actions proposed within the respective plans.
21. That to elaborate, the SAPs submitted by the States of Tamil Nadu, Kerala, Karnataka, Telangana, and the Union Territory of Puducherry

systematically fail to disclose any realistic figures or dedicated financial outlays for the proposed activities. Instead of quantifying the budgetary requirements, the authorities have treated the crucial column of 'financial implications' as a mere administrative formality, arbitrarily filling it with non-quantifiable terms such as 'Yes', 'No', 'NA', or 'NIL'. Furthermore, in the specific cases of Tamil Nadu, Telangana, and Puducherry, a majority of these crucial financial columns are either left entirely blank or filled with grossly insufficient data.

22. The Applicant further submits that the State of Andhra Pradesh presents a similarly flawed approach. In its SAP, for action plans that are claimed to be "completed," absolutely no funding details have been mentioned. Even more concerning is that for several critical action plans that are purportedly "ongoing," the State has explicitly stated 'Nil' in the fund allocated column.
23. Thus, it is submitted that without a transparent disclosure of realistic figures and definitively allocated funds, the purported activities lack the necessary financial backing for execution. This systematic failure to provide financial implications directly results in the plans not being comprehensive.

FAILURE TO SPECIFY IMPLEMENTING AGENCIES AND ENFORCEMENT MECHANISMS:

24. It is humbly submitted that a fundamental structural flaw plagues the State Action Plans submitted by all the respondent States and the Union Territory, thereby creating a complete vacuum of accountability. Specifically, the indicative template utilized for drafting these plans inexplicably lacks a column for designating "implementing agencies". Consequently, across the plans submitted by Tamil Nadu, Kerala, Karnataka, Telangana, Puducherry, and Andhra Pradesh, none of the proposed activities identify the concerned implementing agency

responsible for their execution. Without assigning specific tasks to distinct implementing agencies, it becomes impossible to hold any entity accountable for the failure to execute the mitigation measures, thereby compromising the enforceability of the entire framework.

25. Further, it is submitted that the SAPs are demonstrably devoid of any periodic monitoring and review mechanisms. There is absolutely no provision within these plans for the regular monitoring, review, or evaluation of the implemented measures, rendering it practically impossible to assess actual progress or ensure ongoing accountability. This glaring omission is compounded by the fact that the plans do not sufficiently provide for any independent audit mechanisms or structured reporting systems. By failing to include provisions for the public disclosure of progress reports and entirely omitting any requirement for third-party verification, the plans significantly weaken both transparency and public accountability in their implementation.
26. Crucially the Applicant submits that the State Action Plans fail to establish robust enforcement strategies. There is little to no indication regarding how compliance with the measures outlined in these plans will be integrated with the enforcement actions undertaken by the State Pollution Control Boards (SPCBs) or other relevant regulatory authorities. To this end, the SAPs do not clearly stipulate any penalties or legal consequences for non-compliance with the proposed activities. That the complete absence of a grievance redressal mechanism deprives affected citizens of a forum to report violations or seek remedies, which fundamentally limits public participation and further erodes the overall accountability of the state apparatus.

URBAN-CENTRIC APPROACH DEFEATING THE PURPOSE OF STATE ACTION PLANS:

27. It is respectfully submitted that a fundamental flaw in the submitted plans, particularly those of the States of Karnataka and Andhra Pradesh, is their disproportionate and unjustified urban-centric focus. The very nomenclature and statutory intent of a "State Action Plan" necessitate a comprehensive, macro-level approach that covers the entirety of the state's geography. However, the proposed action points formulated by these States are heavily centered around specifically designated "non-attainment cities," thereby fundamentally defeating the overarching purpose of a State Action Plan. By artificially restricting their regulatory scope, these plans fail to qualify as comprehensive state-wide strategies.
28. That in the case of the State of Karnataka, various critical action points are expressly limited in their application to non-attainment cities. For instance, under the head of 'Industrial Emission' (Serial No. 3), which deals with the critical transition to cleaner fuels such as CNG, PNG, or Electricity, the stated status of the activity explicitly notes that the policy on the usage of CNG/LPG is in place for non-attainment cities. Such geographic restrictions leave the rest of the State's industrial emissions completely unaddressed by the purported action plan.
29. Similarly, that the State Action Plan submitted by the State of Andhra Pradesh suffers from the same fatal defect of being strictly confined to specific urban pockets. The SAP of Andhra Pradesh explicitly states that the action plans aimed at improving air quality by reducing Particulate Matter emissions are under implementation in its 13 non-attainment cities, namely Srikakulam, Vizianagaram, Visakhapatnam, Rajamahendravaram, Eluru, Vijayawada, Guntur, Ongole, Nellore, Kurnool, Chittoor, Anantapur, and Kadapa. By exclusively focusing on

these 13 cities, the State has effectively excluded the vast remainder of its geographical territory from the purview of the plan.

30. That this approach of focusing on the non-attainment cities entirely ignores broader regional emissions and critical rural sources of pollution, which must be concurrently considered for any meaningful air quality management. Rural activities, such as residue burning, the widespread use of biomass fuels for cooking and heating, the operation of brick kilns, and emissions from small-scale rural industries, significantly contribute to the overall particulate pollution load. If these rural sources are not adequately accounted for and integrated into the action plans, a substantial share of the state's emissions remains entirely unaddressed. Consequently, this exclusion severely limits the effectiveness of any air quality improvement efforts.

TABULAR SUMMARY OF DEFICIENCIES FOR EASE OF REFERENCE:

31. It is respectfully submitted that to assist this Hon'ble Tribunal in evaluating the pervasive and systemic flaws across the respondent States and Union Territory, the Applicant has crystallized the deficiencies into six primary categories. These categories are derived from four broad parameters namely, Timeliness, Finances, Accountability, and Comprehensiveness. The following matrix cross-references these six primary legal and scientific deficiencies against each respective State/UT's submitted SAP. A checkmark (✓) indicates that the stated deficiency is present and demonstrably taints the validity and effectiveness of that specific plan:

Systemic Deficiencies in the SAPs	Tamil Nadu	Kerala	Karnataka	Telangana	Puducherry	Andhra Pradesh
Absence of Scientific Foundation	✓	✓	✓	✓	✓	✓
Ambiguous Timelines	✓	✓	✓	✓	✓	✓
Financial Opacity	✓	✓	✓	✓	✓	✓
Accountability Vacuum	✓	✓	✓	✓	✓	✓
Unjustified Urban-Centric Focus	✓	✓	✓*	✓	✓	✓*
Failure to Integrate Health Metrics	✓	✓	✓	✓	✓	✓

***Note:** While the SAPs of all states fail to adequately address the rural pollution sources adequately, the SAPs of Karnataka and Andhra Pradesh go as far as expressly focusing on the implementation of critical action points exclusively to designated non-attainment cities, completely excluding the rest of their respective states.

32. The Applicant herein humbly prays that this Hon'ble Tribunal may kindly consider the above facts, circumstances and submissions and may pass necessary orders as it may deem fit.

Through





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