

Honourable court
BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH AT
NEW DELHI
O.A. No. 989/2018

Date: 20-03-2020

SUBJECT: FLAWS IN THE COMPLIANCE REPORT TO THE DIRECTIONS ISSUED BY THE HON'BLE
NGT VIDE ORDER O.A. No. 989/2018, DATED 11.10.2019

Hon'ble NGT

I want to draw the attention of the honorable court to Compliance report submitted by the Northern Railway in the case of Air pollution at Railway siding Faizabad about the steps taken by the Railway authority to curb the pollution.

The authorities had not adopted appropriate action to control air pollution. Their action is only showpiece to divert attention from the reality on ground. Only formalities for controlling pollution had been done. Railway authority is not seriously taking this issue. Very sorry to say only they are displaying their board for **green strip**. Only few trees in their green strip doing nothing to address the issue. Their reports are far from facts. Report and the images they presented are smartly compiled to support their stand. Our request to honorable courts to form an inquiry committee regarding this issue.

Honorable sir

We are submitting photographs of actual condition at goods site of the same day i.e. 20-3-2020.

Annexure-R-9

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Northern Railway

No. C/64-Goods-Misc.-NGT/Pollution/FD/19/MA

Divisional office
Lucknow
Dt: 11-12-2019Regional officer,
U.P. Pollution Central Board,
1/17/104, Ram Nagar Colony,
Parikrama Marg,
Faizabad - 224001.

Sub: Status report in regard to order dt. 11.10.2019 passed by Hon'ble NGT in case No. 989/2018 Shivansh Pandey in state of U.P..

On the above subjected matter as directed by Hon'ble NGT in regard to control Air pollution at Railway siding Faizabad following steps has been taken by the division.

1. A notice has been displayed at Goods siding Faizabad for merchants to follow the instructions to minimize the air pollution during loading/unloading of wagons at siding. The instruction given in the notice are being strictly complied with, which are as under:-
 - a) During the loading/unloading of Goods, all Labourers are wearing mask and are not using hooks.
 - b) All outwards movement of loaded trucks in the siding are fully covered with "tarpaulin" to minimize air pollution.
 - c) Most unloading of consignments is being done directly from wagon to covered truck to clear the wharf of siding to minimize the pollution caused by multiple handling of bagged commodity. Only in unavoidable circumstances consignments are being stored at siding wharf.
 - d) Only one truck is permitted at a time for loading/unloading of Goods from wagon to minimize the air pollution rises due to movements of trucks.

The Photograph of the notice board is attached as Annexure No. 1



सापेक्षे पथेय वेवा
साक्षर विभागा।

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2. The major part of the boundary wall of the siding has been constructed by high wall seat to minimize the air pollution. The photograph of the fencing is attached as Annexure No. 2.
3. The water jet pressure machine has been installed for washing of tyres during transportation movement of trucks and also sprinkling of water is being done on regular basis on wharf of siding in absence of rakes. Photographs attached as Annexure No. 3
4. Approximately 120 trees are to be planted near boundary wall of siding for which surface has been leveled and work is under process.
5. The personal safety measures are being adopted by labourers during loading/unloading of rakes.
6. Station Superintendent/Faizabad and Chief Goods Supervisor/Faizabad has been instructed during the site visit by officers team to monitor the compliance of the aforesaid instruction strictly, and to ensure loading/unloading of each rake in their personal supervision to minimize air pollution.

It is, therefore, requested to verify the aforesaid mentioned work done by the Railways to control air pollution at Faizabad Goods Shed siding so that Hon'ble NQT may be apprised about the steps taken by the Railways before next hearing in the case.

An early visit is requested.

This is for your kind information please.

(Signature)
 Additional Divisional Railway Manager
 Northern Railway, Lucknow

Copy to:-

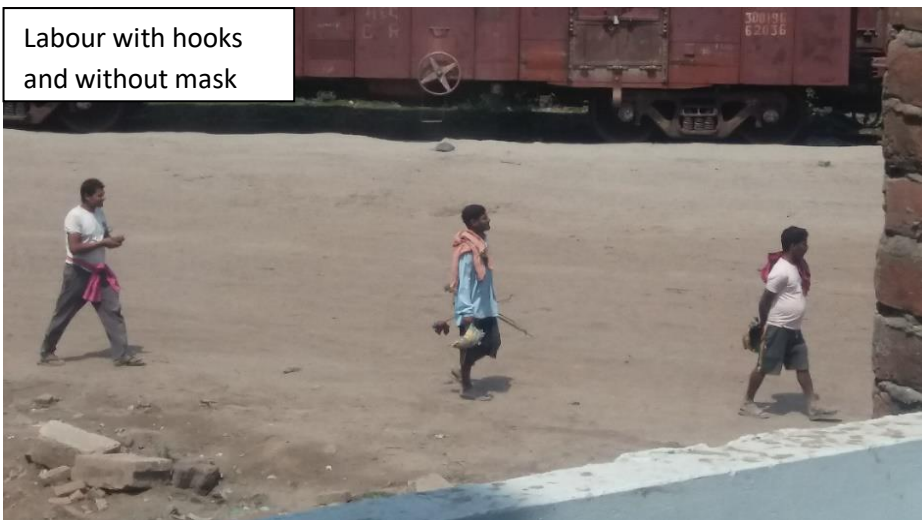
1. Member Secretary, U.P. Pollution Control Board, T.C./12V, Vibhuti Khand, Gomti Nagar, Lucknow - 226010.

The reality of goods siding with recent photographs.

a) During the loading/unloading of Goods, all Labourers are wearing mask and are not using hooks.

(a)-The reality is that labours are still working in the worst possible conditions and the employers and the railway are continuing the habit of not obeying the labour laws. They still don't have the mask.







- ~~truck with the tarpaulin cover~~
- b) All outwards movement of loaded trucks in the siding are fully covered with "tarpaulin" to minimize air pollution.

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(b)-The trucks and tractors are still not covered.





d) Only one truck is permitted at a time for loading/unloading of Goods from wagon to minimize the air pollution rises due to movements of trucks.

(d)-Multiple trucks are speedily running you can see the photos. No water sprinkler is active at goods siding. Local Railway authority sprinkled water at that time when their higher authorities visit siding. They are absolutely inactive regarding water sprinkling.





2. The major part of the boundary wall of the siding has been constructed by high wall seat to minimize the air pollution. The photograph of the fencing is attached as Annexure No. 2.

2- The boundary they constructed is useless and it seem that they don't able to sort out the ways to curb the pollution. How can a boundary less than 10 feet able to minimize the pollution even that is clear in their own report (the photograph they attached)? The boundary they constructed along the boundary of Neel Vihar Colony side is of height approx. 10 feet of steel patches and they use to threaten the colony residents that they going to stop the drainage and to demolish the walls of the houses that are at the boundary with the railways. They even sent the notice. They are trying to curb the case. Step taken by railway is simply wasting of the public money.

These photos submitted by the railway in it's report(below)





3. The water jet pressure machine has been installed for washing of tyres during transportation movement of trucks and also sprinkling of water is being done on regular basis on wharf of siding in absence of rakes.

3- The water sprinkling not done on regular basis even the reality is "never". The trucks are continuously running and kicking off the dust in air that spread in the atmosphere.

And the photo they attached are clicked during the rainy days and that where a man sprinkling water only in presence of their senior officers. Not routine basis.

Reality may find in below photographs. Dated on 18-19 March 2020











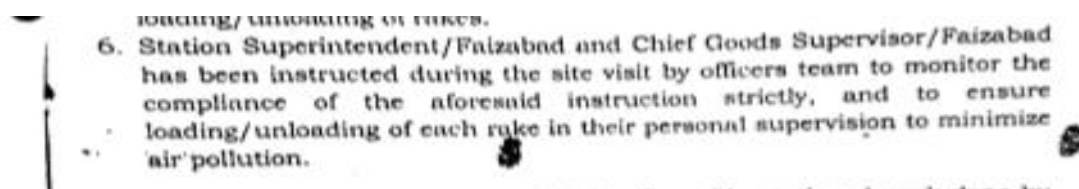


4. Approximately 120 trees are to be planted near boundary wall of siding for which surface has been leveled and work is under process.

4- To plant 120 trees how many days, months, or years they need. And that take nearly 2-3 years to show its effect if with gods bless all the saplings are safe. In between this who will be responsible for protecting the environment. The area where these saplings are planted is full of trash which is not cleaned by railways. And if some disease will spread the who will be responsible?

5. The personal safety measures are being adopted by labourers during loading/unloading of rakes.

5- As you can see in the photos above that the labours are working in the hazardous conditions with no masks and using the hooks and the railways authority is proudly saying that they take care of labours. What is actual condition honorable court may see in photographs.



6- These officers are either unaware of the reality or they are ignoring problems and hiding facts of actual condition and violating Order of honourable court. Authority is not taking the concrete steps to reduce the pollution. They just trying to brush up the case.

6. Letters have been sent to State Pollution Control Boards of Haryana, Punjab, Chandigarh & Uttar Pradesh to provide estimate cost for issuing "consent to operate" certification to Goods sheds of Ambala Division. Reply from U.P. & Chandigarh Pollution Control Board has been received and processed for further disposal.
7. All siding owners have been instructed to obtain "Consent to operate" certification from concerned State Pollution Control Board if they don't have.
8. Over UMB Division, Coal traffic is being handled at 03 Goods sheds (YJUD, GVG & CDG) where coal is being unloaded through mechanized system i.e. pay loaders. Consignees and staff have already been instructed to ensure proper sprinkling of water to ensure dust control during the loading/unloading process.
9. Proper monitoring of condition of approach roads and loading/unloading platforms at each Goods Shed is being done periodically to avoid any dust pollution. Parties have been instructed to use water sprinkling when needed to avoid air pollution.

I unable able to understand how the State Pollution Control Board is giving "Consent to Operate". Are they giving the permission to pollute? The situation is so serious that people are facing the respiratory problems and still the board is not serious. What they are doing for a decade? The pollution is taking near the residential area in the Centre of the city. The board is inactive for a decade.

The problem is very serious. Those who are responsible for taking the action to curb the pollution, they themselves trying to mislead the honourable court over their inaction and of not able to implement what is directed by the honourable tribunal. They are submitting not real report. They had not taken concrete actions. The problem still torturing the public specially those living near that area the health is continuously put on stake for so long even a decade and no concerned authority is active. We as a public

facing the respiratory and other health problem and all through our life, we are going to face it for the benefit of few merchants.

It is not humble request of few residents but this is a voice of the whole city. Railway authority is not taking appropriate action except formalities in last one year. Please take some action in the matter and reduce our torture.

Hoping the honourable court will save us from the misery we all are facing.

With Regards,

Shivansh Pandey

PETITIONER