

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH

NEW DELHI

OA NO. 323 OF 2022

IN THE MATTER OF ::

G. Pramod Naidu

...Applicant

VERSUS

State of Chattisgarh & Ors.

...Respondents

N.D.O.H:- 29.11.2022

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S. NO.	PARTICULARS	PAGE NO.

Through



GIGI.C.GEORGE, ADVOCATE

STANDING COUNSEL(UOI)

National Green Tribunal
Ch.No. 457, Delhi High
Court, Near Delhi

Mob - 9810625315

Email - gigicgeorge.adv92@cpnho.in

DELHI

DATED 25.11.2022

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH

NEW DELHI

O.A. NO. 323 OF 2022

IN THE MATTER OF ::

G.Pramod Naidu

...Applicants

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State of Chhattisgarh & Ors.

...Respondents

Reply on behalf of the respondent No. 1, South East Central Railway,

Bilaspur

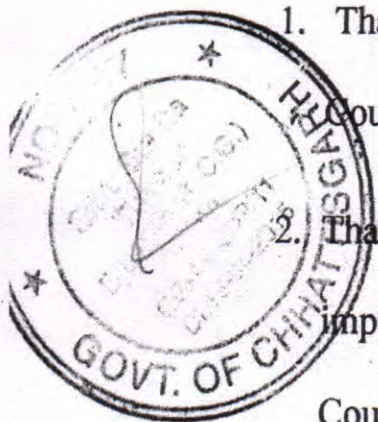
Respectfully Showeth :

The respondent No. 1 most humbly submits as under:-

1. That the above titled Application is pending before this Hon'ble Court and fixed for hearing on 29.11.2022.

2. That the present Application preferred by the Applicant has impleaded Eastern Railway as respondent No.1 by this Hon'ble Court.

3. That the grievence made in the present letter petition/application who is resident of Bilaspur, Chhattisgarh is South East Central Railway is transporting coal filled from Bilaspur in open coaches



R. N. S.
रिजिट्रार मण्डल यागिज्य प्रबंधक
Sr. Divil. Commi. Manager
दक्षिण पूर्व मध्य रेलवे, बिलासपुर
S. E. C. Railway, Bilaspur

due to which coal dust is spreading and causing heavy air pollution creating serious health hazards to local residents living near railway tracks.

4. That allegation made by the petitioners were completely false and wrong. It specifically denied that coal filled from Bilaspur in open coaches is spreading and causing heavy air pollution and creating serious health hazards to local resident living near railway tracks.
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

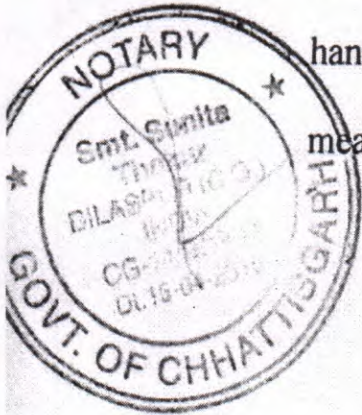


वरिष्ठ मण्डल वाणिज्य प्रबंधक
Sr. Divil. Commr. Manager
दक्षिण पूर्व मध्य रेलवे, बिलासपुर
S. E. C. Railway, Bilaspur

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

- 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.



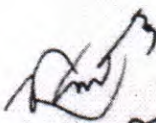
R-3

वरिष्ठ मण्डल वाणिज्य प्रबंधक
Sr. Divil. Commil. Manager
दक्षिण पूर्व मध्य रेलवे, बिलासपुर
S. E. C. Railway, Bilaspur

4

- 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.




वरिष्ठ मण्डल वाणिज्य प्रबंधक
Sr. Divil. Comm. Manager
दक्षिण पूर्व मध्य रेलवे, बिलासपुर
S. E. C. Railway, Bilaspur

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

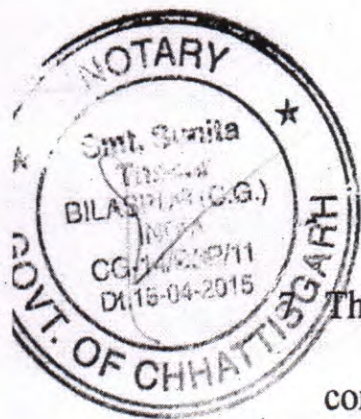
h) Proper waste water/drainage system shall be provided at sprinkling area of loading, unloading and storage so that water drained is collected at a common tank and can be reused.

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/EnHM/15/01 dt.16.04.2018. The copy of the said directions is annexed as Annexure-R-4.

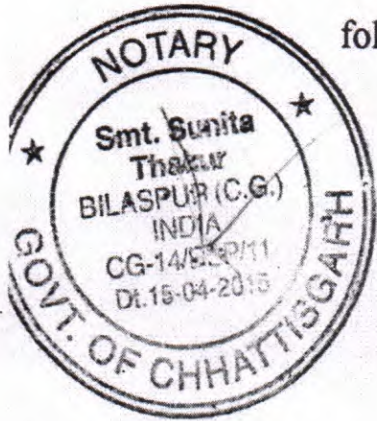
8. That the Ministry of Railways has issued further guidelines for prevention of pollution in handling pollution intensive commodities while transporting in open and flat wagons vide

रिक्त मण्डल वाणिज्य प्रबंधक
Sr. Divil. Comm. Manager
दक्षिण पूर्व मध्य रेलवे, बिलासपुर
S. E. C. Railway, Bilaspur



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. 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**.

9. That this Hon'ble Tribunal vide order dt. 11.05.22 constituted a committee consisting of State PCB, DRM South East Central Railway, Bilaspur and Collector, Bilaspur to submit a factual and ATR within two months. The committee has submitted its report and the important recommendations of the committee is as follows:



“ The Committee visited the house of the applicant on 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

[Signature]
वरिष्ठ मण्डल वाणिज्य प्रबंधक
Sr. Divil. Comm. Manager
दक्षिण पूर्व मध्य रेलवे, बिलासपुर
S. Railway, Bilaspur

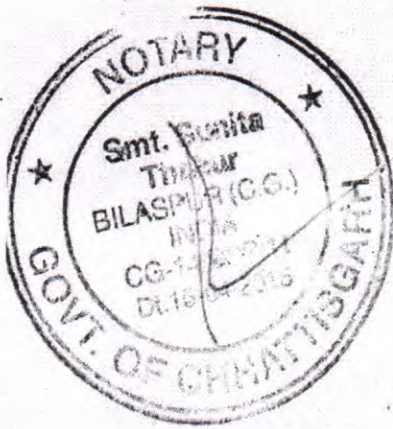
residential colony within which the house of the applicant is situated.

The regional officer of Chhattisgarh Environment Conservation Board sent a letter to Assistant Commercial Manager-1(Goods), South East Central Railway on dt. 24.08.22, 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 Assistant Commercial Manager-1(Goods), South East Central Railway replied to the letter of the Regional officer by their letter dt. 25.08.22. In this letter, the Assistant Commercial Manager-1 annexed the letter of Joint Director, Traffic Commercial (Rates) Railway Board which contains revised packing condition for goods moved by railway which is as follows:

P-2 Loose/Bulk Consignments

- a) *No Specific packing condition is required for commodities such as Ashes, Bricks, Coal & Coke, Gypsum, Clay,*



वरिष्ठ मण्डल वाणिज्य प्रबंधक
Sr. Divil. Comm. Manager
दक्षिण पूर्व मध्य रेलवे, बिलासपुर
S. E. C. Railway, Bilaspur

*Limestone & Dolomite, Pig Iron, Sand, Stone, Ores etc.
which are offered in Bulk/Loose consignments*

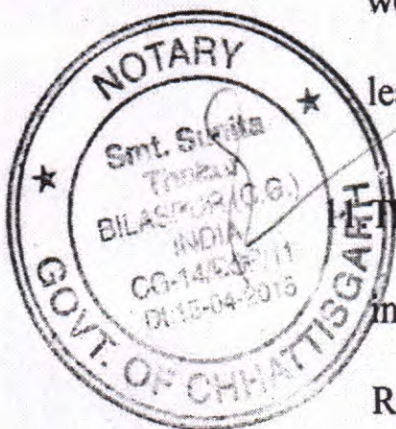
It is clear from a mere reading of the extracts mentioned above that there is no specific packing condition or terms for loose/bulk consignments and coal is considered a loose/bulk consignment. Hence there is no obligation of covering the coal so transported via open wagons on either the consigner or the railway department. The railway merely acts as a transporter of the goods, which is clear from the above iterated extracts".

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.

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



वरिष्ठ मण्डल वाणिज्य प्रबंधक
Sr. Divil. Comm. Manager
दक्षिण पूर्व मध्य रेलवे, बिलासपुर
Railway, Bilaspur

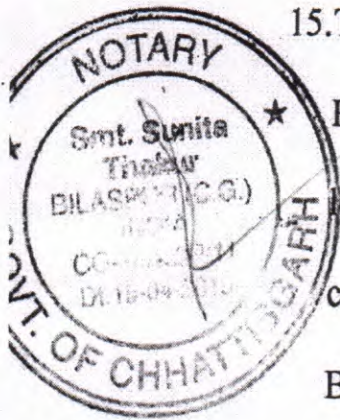
monitored by railway for time to time renewal and further compliances.

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.

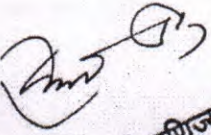
16. That while deciding the case on merit the above facts, reasons, and circumstances stated in the preceding paragraphs may be considered by the Hon'ble Court.



Rmk 3
वरिष्ठ मण्डल वाणिज्य प्रबंधक
Sr. Divil. Comm. Manager
दक्षिण पूर्व मध्य रेलवे, बिलासपुर
E. C. Railway, Bilaspur

17. That the Applicant has filed above titled application on false and fictitious ground against the respondent No. 1/railway. It is submitted that the Applicant has no cause of action to file the present litigation against the respondent No. 1/railway. The alleged cause of actions is totally false, fabricated, frivolous and manipulated.

18. That an affidavit in support of this reply is also attached here with. The undersigned has been authorized by the respondent No. 1 to file this reply on his behalf.



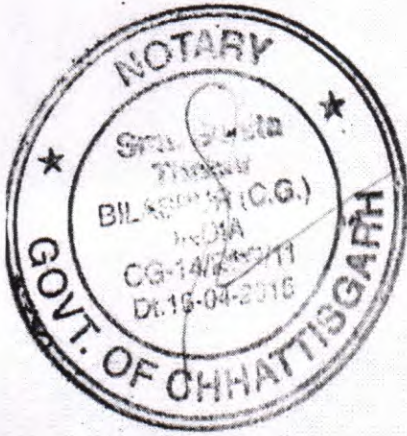
वरिष्ठ मण्डल वाणिज्य प्रबंधक
Sr. Divil. Comm. Manager
दक्षिण पूर्व मध्य रेलवे, बिलासपुर
S. E. C. Railway, Bilaspur



PRAYER

In view of the above facts and circumstances, it is therefore, most respectfully and humbly prayed that this Hon'ble Court may kindly be pleased to:

- i. Dismiss the Original Application of the Applicant against the respondent No. 1; and
- ii. Pass any such or further orders as may deem fit and proper in the facts and circumstances of the present case, in the interest of justice.



DELHI
DATED 28.11.2022

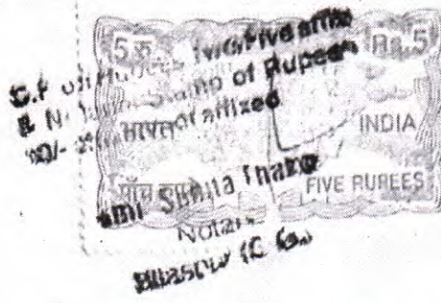
For the respondent No. 1
वरिष्ठ मॉडेल वॉलंटिय प्रबंधक
Sr. Divil. Comm. Manager
दक्षिण पूर्व मध्य रेलवे, बिलासपुर
S. E. C. Railway, Bilaspur
GIGI.C.GEORGE
ADVOCATE
STANDING COUNSEL(UOI)

Chamber No.457, Delhi High Court

New Delhi

MOB- 9810625315

Email- gigicgeorge.adv42@yahoo.in



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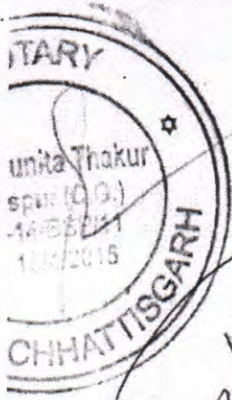
State of Chhattisgarh & Ors.

...Respondents

AFFIDAVIT

I, Vikas Kumar Kashyap S/o Shri A. S. Kashyap aged about 35 years working as Sr. Divisional Commercial Manager, South East Central Railway, Bilaspur, do hereby solemnly affirm and declare as under:-

1. That the deponent is the employee of the respondent No. 1 and is fully conversant with the facts and circumstances of the case as per the records maintained by the department and is competent to swear this affidavit.
2. The deponent has been authorized by the respondent No. 1 to file this reply on its behalf.



वरिष्ठ मॉडल वाणिज्य प्रबंधक
Sr. Divl. Comm. Manager
दक्षिण पूर्व मध्य रेलवे, बिलासपुर
S. E. C. Railway, Bilaspur

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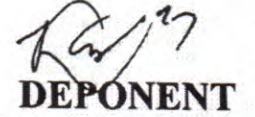
3. That the contents of the accompanying Reply have been drafted by our counsel under our instructions and the same are true to my personnel knowledge derived from records and are based on legal advice received and believed to be correct.


DEPONENT

वरिष्ठ मण्डल वाणिज्य प्रबंधक
Sr. Divil. Comml. Manager
दक्षिण पूर्व मध्य रेलवे, बिलासपुर
S. E. C. Railway, Bilaspur

VERIFICATION:

Verified at Bilaspur on this 24th day of November, 2022 that the contents of the above affidavit are true and correct to the best of my knowledge and belief.

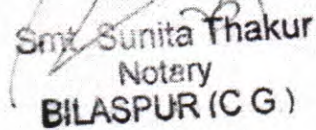

DEPONENT

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Sr. Divil. Comml. Manager
दक्षिण पूर्व मध्य रेलवे, बिलासपुर
S. E. C. Railway, Bilaspur



12 5 NOV 2022

SOLEMNLY AFFIRMED OR SWORN
BEFORE ME BY THE WITHIN NAMED
मेरे सामने इस दस्तावेज पर संश्लिष्ट व्यक्ति ने
पढ़कर/सहकार/अपनी शपथ आज कहा
और इस दस्तावेज पर अंगूठा किया।


Smt. Sunita Thakur
Notary
BILASPUR (C G)

Rates Circular No 24 of 2006

**Government of India (Bharat Sarkar)
Ministry of Railways (Rail Mantralaya)
Railway Board**

No.TCR/ 1057/ 2006/ 2

New Delhi, dated 23.03.2006

The General Manager (Comml.),
All Indian Railways.

Sub: Revised Packing Conditions for goods moved by Rail

Sanction of the Central Government is hereby accorded to the revised Packing Conditions for Goods moved by Rail under the provisions of Section 98 (2) (a) of the Indian Railways Act 1989. Accordingly, Rule 120 of IRCA Goods Tariff No 41 Part -I (Volume-I) for Packing conditions for goods is modified as under:

Rule 120. Packing conditions for goods. Packing conditions prescribed under the provisions of Section 98(2)(a) of the Indian Railways Act, 1989 are given herein under:

1. General Conditions

- (i) The packing conditions prescribed below are the minimum desirable conditions. Commodities offered with better packing conditions shall be accepted.
- (ii) Bags, cases, cardboard, cartons, containers, tins, drums, bottles, jars etc used for packing should be made of high quality and adequate strength. The package offered for the booking should be able to withstand the rigours of transportation and also provide ease of handling and not liable to damage, deterioration, leakage, wastage etc during transit.
- (iii) Packing conditions for dangerous/hazardous commodities, as given in the "Red Tariff" must be strictly complied with.

2. Specific Packing Conditions

In addition to general conditions as mentioned in Para (i) to (iii) above, the specific packing conditions applicable to the commodity shall be as under:

P-1 Bagged Consignments

Commodities such as Cement, Chemical Manures, Foodgrains & Pulses, Flours, Groceries, Salt, Jagree, Oil Seeds, Soda Ash, Starch, Sugar, Tobacco,

Rates Circular No 24 of 2006

etc when offered in bagged condition should be securely packed in gunny bags/multiply paper bags / high density polythene bags/ synthetic jute bags etc.

P-2 Loose/Bulk Consignments

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.

b) Commodities such as Bamboos, Brooms, Sugarcane, Fodder, Coir, Timber, Pipes, etc., when offered in loose condition, should be securely tied in bundles.

P-3 Commodities such as Cotton & other textiles, Gunnies, Handloom products etc. should be securely packed in bales, boxes, cases, cartons etc.

P-4 Commodities such as Soap, Machinery & Machine tools, Electrical appliances, Milk products, Coffee, Tea, Rubbers & Plastics, Leathers etc. should be packed in plywood/wooden cases, cardboard boxes/cartons/baskets.

P-5 Liquid items such as Edible oil, Hydrogenated oils, Colours & Dyes, Bitumen, Packaged water etc. should be packed in leak proof tins, metal containers, drums, bottles/jars in wooden cases/boxes/cartons.

P-6 (a) Motor Vehicles accepted for carriage should not be charged with electricity, gas, oil or other inflammable liquid or vapour, except that in the case of motor vehicles in the possession of armed forces and Motor cars, quantity of petrol not exceeding 9.09 litres may be left in the tank, provided that –

- (i) The flow of the petrol to the carburetor has been cut off.
- (ii) Pressure, if any, has been released from the tank.
- (iii) Tank is in sound condition and is closed by well- fitting cap.

(b) Detachable fittings of motor vehicles should be separately packed.

3. Special Packing Conditions.

S-1 For Metal Scrap – The commodity shall not be accepted for booking unless it is accompanied by a certificate “free from Explosives” as specified in Rule 155.

Rates Circular No 24 of 2006

- S-2 For Foodgrains & Pulses – Consignment when loaded in wagons should invariably be protected at the doors with dunnage material by the consignor. The dunnage will consist of 12 bags of standard size for 8-wheeled wagons, to be placed 3 on each of flap door. The bags should be stuffed with suitable material such as crushed sugarcane, paddy husk or straw. The bags shall be placed in a vertical position side by side so as to fully cover up the flap-door services.

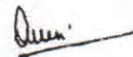
In case of non-compliance of above condition, suitable remarks should be made by the consignors in the Forwarding Note, which should be reproduced in Railway Receipt also.

- S-3 For Salt (Human Consumption) - A declaration should be given by the consignor on the forwarding note to the effect that the Salt is not intended for industrial use and the booking staff should make a suitable endorsement on the invoice as well as on Railway Receipt. A similar declaration should also be obtained from the consignee/endorsed consignee at the time of delivery.

Packing conditions contained in Chapter VIII stand deleted.

This issues with the concurrence of the Finance Directorate in the Ministry of Railways.

Kindly acknowledge receipt.



(N.K.Parsuramka)
Jt. Director, Traffic Comm. (Rates)
Railway Board.

No.TCR/1057/2006/2

New Delhi, dated 23.03.2006

Copy for information:-

- 1.FA & CAOs, All Indian Railways
- 2.Dy.C&AG (Rlys.), Room No.222, Rail Bhavan, New Delhi with 6 spares copies.

for Financial Commissioner(Railways)

भारत सरकार (GOVERNMENT OF INDIA)
रेल मंत्रालय (MINISTRY OF RAILWAYS)
रेलवे बोर्ड (RAILWAY BOARD)

No.TCR/1078/2015/05 Pt.

New Delhi, dated: 20.10.2016

**Chief Commercial Managers,
All Indian Railways.**

**Sub: Freight Incentive Scheme for Loading Bagged Consignment in
Open and Flat Wagons.**

1.0 Board have decided to introduce a Freight Incentive Scheme for loading of bagged consignment in Open and Flat Wagons as detailed below:

(i) **Objective:**

To garner additional volume of traffic and revenue by granting incentives to customers for loading of bagged consignment in open and flat wagons.

(ii) **Incentive:**

Following freight discounts will be granted on NTR for loading bagged consignment in Open and Flat wagons:

Commodities	% discount on NTR
Cement, China clay, All types of Chemical Manures (except Rock Phosphate), Foodgrain, De-oiled Cake, Soap stone powder, Hydrated lime, Quick lime, Lead/Zinc concentrate, Bentonite powder, Soda Ash, Chalk powder, Calcite powder, Calcinated bauxite, Marble chips and Caustic Soda	20%
Fly ash, Urea	30%
In cases, when more than one bagged consignments are clubbed/loaded in open wagon or flat wagons, the applicable freight discount to that consignment may also be granted on pro-rata basis subject to fulfillment of all other terms and conditions. For example, if cement is clubbed and booked along with fly ash (both as bagged consignment) in open and/or flat wagons, the discount would be @20% for cement and 30% for fly ash.	

(iii) **Floor Rate:**

Minimum chargeable freight after all concessions should not be less than NTR of Class-LR1.

(iv) **Permitted Terminals:**

All terminals including Ports

latakumari

21/10/16

Rates Circular No. 27 of 2016**(v) Restricted commodities:**

All commodities other than those mentioned under Para 1.0 (ii).

(vi) Lead restriction:

Not less than or equal to 100 km

(vii) Permitted wagons:

Open wagons (BOXN group wagons, BOST, BOX and equivalent wagons but does not include Hopper wagons); and Flat wagons (BRN group wagons, BFR, BRH, BFNS and equivalent wagons)

(viii) Concurrent Freight concession:

6% concession to and from North Eastern States would be applicable on the discounted NTR under this scheme. For example, if NTR is Rs. 100, then the discounted NTR under the Scheme (after 20% discount) shall be Rs. 80 and 6% concession for NE Region States shall be granted on Rs. 80 and the applicable freight shall be Rs. 75.20 only.

(ix) Processing Procedure:

A customer need not apply for grant of incentive under this scheme. Railway shall give applicable discounts on compliance of the provision of the scheme.

(x) Conditions:

- (i) Commodities should only be loaded in standard bags of up to a maximum of 100 kg.
- (ii) Tarpaulins, if any, for covering the wagons should be provided by the consignor at their own cost.
- (iii) Consignor will be required to furnish an undertaking on the Forwarding Note giving their consent to loading in open wagons and to the effect that they would bear full risk for damage/pilferage of the consignment.
- (iv) Supply of wagons for loading under the scheme will be subject to operational feasibility.

2.0 These instructions shall come into force with effect from 24.10.2016 and will remain in force for a period of one year i.e. up to 23.10.2017.

3.0 Zonal Railways shall ensure that wide publicity is given to this scheme. Steps should be taken to ensure that the Railway officials fully understand this scheme and implement them correctly.

4.0 This issues in consultation with Traffic Transportation Directorate and with the concurrence of the Finance Directorate of the Ministry of Railways.

Lata Kumari

(Lata Kumari)
Director, Traffic Commercial (Rates)
Railway Board

Rates Circular No. 27 of 2016

No.TCR/1078/2015/05 Pt.

New Delhi, dated:20.10.2016

Copy for information:-

- 1.FA & CAOs, All Indian Railways
- 2.Dy.C&AG (Rlys.), Room No.222, Rail Bhavan, New Delhi.

[Handwritten signature]
20/10/16

for Financial Commissioner(Railways)

No.TCR/1078/2015/05 Pt.

New Delhi, dated: 20.10.2016

Copy for information and necessary action to:-

1. General Managers, All Indian Railways.
2. Chief Operations Managers, All Indian Railways.
3. Managing Director, CRIS, Chanakya Puri, New Delhi-23
4. The Chief Administrative Officer, FOIS, Northern Railway, Camp: CRIS, Chanakya Puri, New Delhi-23.
5. Managing Director, Konkan Railway Corporation, Belapur Bhavan, Sector-11, CBD Belapur, New Mumbai-400614.
6. Director General, National Academy of Indian Railways, Vadodara.
7. Director, Indian Railways Institute of Transport Management, Campus: Hardoi Bye Pass Road, Village & Post office: Kanausi, Manaknagar, Lucknow.
8. GS/IRCA, New Delhi.
9. Secretary, Railway Rates Tribunal, 5, P.V.Churian Road, Crecent Road, Egmore, Chennai- 600105

[Handwritten signature: Lata Kumari]

(Lata Kumari)
Director, Traffic Commercial (Rates)
Railway Board)

Copy to: -

OSD to MT for kind information of MT
PSO to FC for kind information of FC
PPS to: AM(C), AM(T), Adv(F),
EDF(C), EDFM, EDTT(F), EDTT(S), EDME(Frt.), EDVT, EDTC(R),
DTT(G), DF(C),
TT-III, F(C) Branches of Railway Board.

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.

(21)

(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.

(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

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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.

12/11.8.17
(Shivendra Mohan)
ED/EnHM/ME/RB
Convenor
16.08.2017

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

R₄ (26)

**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
(Shivendra Mohan)
Executive Director
EnHM / ME

Copy to PCCMs,
All Zonal Railways

R-5

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भारत सरकार (GOVERNMENT OF INDIA)
रेल मंत्रालय (MINISTRY OF RAILWAYS)
रेलवे बोर्ड (RAILWAY BOARD)

No. TCR/1057/2018/02.

New Delhi, Dated : 30.09.2019

Principal Chief Commercial Manager
All Indian Railways

Sub : Covering loaded wagons with Tarpaulin Sheet.

- Ref. : (i) Boards letter No. 2015/EnHM/15/01 dated 16.04.2018;
(ii) Rates Circular No. 24 of 2006 dated 23.03.2006;
(iii) Rates Circular No. 27 of 2016 dated 20.10.2016;

Board has been receiving requests for guidelines on the above subject.

Issue has been examined and it has been observed that detailed guidelines for Prevention of Pollution in handling of pollution intensive commodities have been notified by Environment Directorate of Ministry of Railways vide letter referred at (i) above.

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.

As per condition 1.0 (x) (ii) of letter referred at (iii) above, Tarpaulin Sheet, if any for covering the open and flat wagons should be provided by the consignor at their own cost under Freight Incentive Scheme for loading packed consignment in open and flat wagons.

It is therefore, advised that 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 directive of State Pollution Control Board.

(This disposes off South Eastern Railway's letter No. RA.41/Rates/Misc./(Loose) dated 05.09.2019 and Western Railway's letter No. C 71/1/Pollution-Vol.II dated 15.02.2019)

Shilpi Bishnoi
30/09/19
(Shilpi Bishnoi)

Director Traffic Commercial (Rates)
Railway Board

GOVERNMENT OF INDIA (भारत सरकार)
MINISTRY OF RAILWAYS (रेल मंत्रालय)
(RAILWAY BOARD रेलवे बोर्ड)

No.TC-I/2019/201/6-Part(1)

New Delhi, dt.21.10.2020

General Manager
All Zonal Railways

Sub: Additional free time for covering Open Wagons with Tarpaulins
Ref: Rates Master Circular/Demurrage-Wharfage-Waiver/2016/0 and its corrigendum No.13

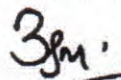
Please refer to Corrigendum No.13 to Rates Master Circular/Demurrage-Wharfage-Waiver/2016/0 on the above mentioned subject.

The matter has been reviewed. In supersession of the aforesaid corrigendum, it has been decided that additional free time of one hour per rake may be permitted for covering open wagons with tarpaulins during loading of loose/bulk commodity (e.g. Coal & Coke etc., for which packing condition P2(a) is prescribed in the Goods Tariff) at all kinds of freight terminals e.g. goods sheds, sidings (including EOL sidings), PFTs etc., by incorporating additional Para 2.7 in Chapter-I of Rates Master Circular under reference, as given below-

2.7 Additional Free Time for covering Open Wagons with Tarpaulins

Additional free time of one hour per rake may be permitted for covering open wagons with tarpaulins during loading of loose/bulk commodity (e.g. Coal & Coke etc., for which packing condition P2(a) is prescribed in the Goods Tariff) at all kinds of freight terminals e.g. goods sheds, sidings (including EOL sidings), PFTs etc."

This issues in consultation with Traffic Transportation directorate and with the concurrence of Finance directorate of Ministry of Railways.



(Atul Kumar)

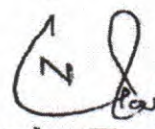
Dy. Director, Traffic Commercial(Rates)-I
Railway Board

No.TC-I/2019/201/6 -Part(1)

New Delhi, dt.21.10.2020

Copy to:

1. Pr. Financial Adviser, All Zonal Railways
2. Dy.C&AG(Rlys), Room No.222, Rail Bhavan, New Delhi.

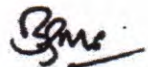

for Member (Finance)
Railway Board
21.10.2020

No.TC-I/2019/201/6 -Part(1)

New Delhi, dt.21.10.2020

Copy to:

1. **Pr. Chief Commercial Manager, all zonal railways**
2. **Pr. Chief Operations Manager, all zonal railways**
3. **Managing Director, CRIS, Chanakyapuri, New Delhi-21.**
4. **Chief Admn. Officer, FOIS, Camp: CRIS, Chanakyapuri, New Delhi.**
5. **MD, KRCL, Belapur Bhavan, Sector-11, CBD Belapur, Navi Mumbai-400614.**
6. **Director General, National Academy of Indian Railways, Vadodara.**
7. **General Secy., IRCA, New Delhi.**
8. **Director, IRITM, Vill-Kanausi, Manaknagar, Lucknow-226011**



(Atul Kumar)

**Deputy Director, Traffic Commercial(Rates)-I
Railway Board**

Copy for information:

CRB, M(O&BD), M(Fin), Railway Board
AM(T), AM(C), PED(TT/M), PED(A/c), PED(Vig.), EDTC/R, ED(CC), ED(PG), EDTT(S),
EDTT(F), ED(Coal), EDFC, EDVT, OSD/MR, Railway Board
TC(R), TC(CR), F(C), Safety Branches, Railway Board