

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

Principal Bench, New Delhi
Original Application No. 533/2019

In the Matter of: -

Anubhav Kumar

Applicant

Vs.

Union of India & Ors.

Respondent(s)

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(P. K. Gupta)

Scientist 'E'

Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Delhi-110032

Place: Delhi

Date: 04.01.2021

Status and Compliance Report of Hon'ble NGT order dated 23.06.2020 in O.A. No. 533/2019: Anubhav Kumar v/s Union of India & Ors.

Background

An application was filed in the Hon'ble National Green Tribunal on the issue of air pollution caused due to cement handling activities being conducted in an unscientific manner at the cement siding at Shakurbasti Railway station.

Hon'ble NGT vide order dated 04.06.2019 directed Delhi Pollution Control Committee (DPCC) to inspect and submit a factual report. The matter was further heard on 14.08.2019 and the Hon'ble NGT constituted an independent Expert Committee to look into the issue and directed it to submit its report.

The Expert Committee submitted its report to the Hon'ble NGT on 20.12.2019 and the Hon'ble NGT vide order dated 10.01.2020 accepted the report and directed concerned agencies to submit action plan to implement the recommendations of the Expert Committee. The Hon'ble NGT further directed CPCB and DPCC to monitor the compliance.

CPCB submitted an action taken cum status report to the Hon'ble NGT on 22.06.2020. The Hon'ble NGT vide order dated 23.06.2020 directed the cement companies, NR and CRWC to take action and also directed that the reports be filed on or before 31.10.2020 and that the matter be listed for further consideration on 23.11.2020 (Order of the Hon'ble NGT dated 23.06.2020 enclosed as Annexure-I).

CPCB submitted an action taken cum status report to the Hon'ble NGT on 20.11.2020, for hearing scheduled on 23.11.2020. The matter is further listed on 08.01.2021.

An updated action taken cum status report in compliance of the Hon'ble NGT order is as under:

Action taken by Expert Committee and CPCB

In compliance of the Hon'ble NGT orders dated 10.01.2020 and 23.06.2020, action plans were submitted by the concerned agencies to Expert Committee/CPCB. Subsequently, two meetings of expert committee were held on 10.09.2020 and 05.11.2020 to review the revised action plans and progress reports received from concerned agencies and the observations/recommendations of Expert Committee were communicated to concerned agencies by CPCB for taking necessary action in the matter and for compliance (copy of the minutes of the Expert Committee meeting dated 10.09.2020 and 05.11.2020 enclosed as Annexure-II and Annexure-III).

Progress cum status report

Detailed progress cum status report for each agency is as under:

1. Northern Railway (NR)

- Northern Railway vide letter dated 24.07.2020 submitted an action plan which was not found satisfactory by the Expert Committee. Accordingly, Northern Railway was asked to submit the revised action plan vide CPCB letters dated 17.09.2020 and 14.10.2020. Since the said plan was not received, CPCB, on 29.10.2020, issued directions under Section 5 of Environment (Protection) Act, 1986 to Northern Railway to submit the action plan by 10.11.2020 and deposit interim Environmental Compensation of Rs 71,62,500/- (copy of CPCB directions dated 29.10.2020 enclosed as Annexure-IV).
- NR vide letter dated 10.11.2020 informed about sanctioning of payment of Environmental Compensation by Competent Authority and that the plan has been sent to the Headquarter office for seeking necessary instruction/guidelines and will be submitted soon. CPCB vide reminder letters dated 27.11.2020 and 11.12.2020 again directed NR to submit the action plan and deposit the Environmental Compensation.
- NR vide letter dated 18.12.2020 conveyed that it has deposited the Environmental Compensation but again reiterated that the action plan has been submitted vide letters dated 07.02.2020 and 24.07.2020, which were not found satisfactory by the Expert Committee (copy of the letter received from Northern Railway dated 18.12.2020 enclosed as Annexure-V). In the said response, NR only informed some progress with respect to taking action for cleaning of station/siding, i.e. also in terms of initiating the process of nominating an agency/contractor for mechanized cleaning of station/siding. As per internal communication of NR, work on peripheral road construction was to be completed by 30.11.2020 but compliance of same has not been reported. Also, no information has been provided regarding installation of conveyor belts. Most importantly, no plan has still been submitted with respect to construction of warehouse. NR vide the said letter requested permission to reopen the railway siding.
- CPCB vide letter dated 30.12.2020 clearly informed NR to refer to the recommendations of the Expert Committee and the orders of the Hon'ble NGT for construction of warehouse and that cement handling activities cannot be permitted till warehouse is constructed. Accordingly, NR was asked to submit a revised action plan for implementation of all air pollution control measures including construction of a warehouse, installation of conveyor belts, etc., along with timelines.

2. CRWC

- CRWC vide letters dated 09.07.2020 and 30.09.2020 reported progress and compliance of implementation of pollution control measures. CRWC deposited the

first interim Environmental Compensation amount of Rs. 28,65,500/- (Rupees Twenty-Eight Lakh Sixty-Five Thousand and Five Hundred only) on 17.09.2020.

- The Expert Committee directed DPCC to verify the progress and DPCC carried out an inspection on 09.10.2020 and reported implementation of pollution control measures vide report dated 26.10.2020.
- Expert Committee reviewed the compliance report and observed that the recommendations have been implemented by CRWC. The Expert committee approved the 2nd/ final Environmental Compensation amount of Rs 4,16,250/- (Rupees Four Lakh Sixteen Thousand and Two Hundred and Fifty only) to be paid by CRWC for the period between 12.06.2020 to 30.09.2020. CRWC has deposited the final Environmental Compensation with CPCB on 05.12.2020.

3. M/s G S & Company

- Action plans of M/s GS & company were examined and shortcomings were communicated by CPCB vide letter dated 17.09.2020.
- Revised action plan was submitted by M/s GS & company vide letter dated 30.09.2020 and was examined by the Health Expert. The action plan was found to be in order. CPCB on 29.10.2020 communicated that the plan can be implemented and report be submitted at regular interval to labour department or others, as applicable. (copy of CPCB letter dated 29.10.2020 to M/s GS & Company enclosed as Annexure-VI)
- Test reports of 61 workers were received from M/s GS & company and these were forwarded to Labour Dept., Delhi Govt. by CPCB vide letter dated 23.09.2020 for examination and necessary action, in compliance with the Hon'ble NGT order dated 23.06.2020.
- Labour Dept., Govt. of Delhi vide letters dated 20.10.2020 and 26.11.2020 mentioned that the case may be referred to Central Government, i.e. Chief labor commissioner, Government of India, as appropriate authority for the matter since CRWC is a central government organization. Accordingly, the test reports of workers received from M/s GS & company have been forwarded by CPCB to Central Labour Commissioner, Govt. of India on 14.12.2020 for examination and necessary action including levy of health compensation.

4. Cement Companies

A. M/s Wonder Cement

- Revised Action plans submitted by M/s Wonder Cement vide letter/mail dated 02.07.2020 and 29.07.2020 were examined and shortcomings were communicated by

CPCB vide letter dated 17.09.2020 and M/s Wonder Cement was also directed to submit a revised action plan.

- Revised action plan was submitted by M/s Wonder Cement vide mail dated 30.09.2020 and was examined and approved by the Health Expert. CPCB on 29.10.2020 communicated that the action plan can be implemented and report be submitted at regular interval to labour department or others, as applicable (copy of CPCB letter dated 29.10.2020 to M/s Wonder Cement enclosed as Annexure-VII). M/s Wonder Cement to get the workers tested and submit test report of workers to labour department after the issue of COVID-19 is settled.

B. M/s Mangalam Cement

- As per recommendation of Expert Committee, CPCB vide letter dated 17.09.2020 conveyed the shortcomings in the “Action plan to Educate and Protect Health of Labour” to M/s Mangalam cement and directed it to submit the revised action plan. A reminder letter was issued by CPCB on 14.10.2020.
- M/s Mangalam Cement vide letter dated 23.10.2020 submitted health test reports of some workers to CPCB. Further, in view of the recommendations of Expert committee, CPCB vide letter dated 11.11.2020 communicated to CRWC to ensure submission of an action plan by M/s Mangalam Cement.
- M/s Mangalam Cement vide letter dated 17.11.2020 submitted an action plan but also mentioned that its workers are the same workers which have been employed by CRWC and M/s GS company are covered under their health and welfare activities. Also, it raised the issue of responsibilities of NR and CRWC. Accordingly, CPCB vide letter dated 21.12.2020 asked M/s Mangalam cement to take up the matter with NR/CRWC and submit concrete progress with regard to the action plan.
- M/s Mangalam vide letter dated 24.12.2020 informed that it is proceeding with the implementation of the action plan submitted vide letter dated 17.11.2020.
- In view of this clarification, the action plan was got examined by the Health Expert and found to be in order. CPCB on 30.12.2020 communicated that the action plan can be implemented and report be submitted at regular interval to labour department or others, as applicable (copy of CPCB letter dated 30.12.2020 to M/s Mangalam cement enclosed as Annexure-VIII). M/s Mangalam cement to get the workers tested and submit test report of workers to labour department after the issue of COVID-19 is settled.

C. M/s ACC Cement, M/s Ambuja Cement and M/s Ultratech Cement

- In reference to the Hon’ble NGT order dated 23.06.2020, CPCB vide letter dated 20.07.2020 again asked the cement companies to submit revised action plan. M/s

ACC Cement, M/s Ultratech Cement and M/s Ambuja Cement requested for additional time for submission of action plan in view of COVID-19 pandemic.

- Further, the shortcomings observed in the earlier plans received from these companies were communicated by CPCB on 17.09.2020, in line with the recommendations of the Expert Committee, so that these are incorporated/addressed in the revised awaited action plans.
- These companies, in response, raised the issue of common labour pool and difficulty in developing a proper plan to avoid the issue of duplication of health tests and ensuring coverage of all workers. The Expert Committee reviewed the issues in the meeting held on 05.11.2020 and recommended the Cement companies to discuss the modalities with CRWC and NR, so as to ensure workers' health is taken care of against fugitive dust released during cement handling operation. Accordingly, CPCB vide letter dated 11.11.2020 directed these cement companies with copy to Northern Railway and CRWC to submit the action plan. (Copy of CPCB letter to cement companies, NR and CRWC dated 11.11.2020 enclosed as Annexure-IX)
- Cement Manufacturers Association (CMA) vide letter dated 20.11.2020 informed CPCB that a meeting was facilitated by CMA on November 19, 2020, with Railway Board, Northern Railways, CRWC and cement companies to discuss a common sustainable mechanism for implementing health and education plan in compliance with the Hon'ble NGT order, and that CRWC has proposed taking the responsibility for arranging regular health checkups and other actions to protect the occupational health of the labourers working at the CRWC siding. For this, CRWC had sought the help of cement companies involved in the case in terms of financial support through CSR or otherwise. The Cement Companies have subsequently indicated that they will approach CRWC shortly to work out the modalities of implementation for the indicated proposal. (Copy of letter from CMA dated 20.11.2020 enclosed as Annexure-X).
- Considering the deliberations made in the CMA meeting, CPCB vide letter dated 18.12.2020 directed M/s ACC Cement, M/s Ambuja Cement and M/s Ultratech Cement to submit the final action plan by 24.12.2020. (Copy of CPCB letter dated 18.12.2020 to cement companies, NR and CRWC enclosed as Annexure-XI).
- CRWC vide letter dated 24.12.2020 has informed CPCB that CRWC is not responsible for conducting labour's health and education program for labours engaged by M/s ACC and M/s Ambuja used in loading operations. Further, M/s Ultratech has not been using facility of CRWC. (Copy of CRWC letter dated 24.12.2020 to CPCB enclosed as Annexure-XII). This indicates that there is no joint agreement between CRWC and the three cement companies for the health plan of workers. While M/S ACC has submitted its separate plan to CPCB on 31.12.2020, no such plan has been received from M/s Ambuja and M/s Ultratech cement.

5. Conclusion

- a. M/s CRWC has implemented the air pollution control measures, as recommended by the Expert Committee and the same has been verified by DPCC. CRWC has deposited both interim and final environmental compensation to CPCB.
- b. NR has deposited interim EC of Rs. 71,62,500/- (Rupees Seventy-One Lakh Sixty-Two Thousand Five Hundred only). NR has still not submitted the action plan for construction of warehouse and installation of conveyor belts. Further, no timelines have been provided for completion of road construction and deployment of agency for regular cleaning of platform/siding.
- c. Action plans for education and protection of workers' health for M/s GS & company, M/s Wonder Cement and M/s Mangalam Cement have been approved and these companies have been asked to implement the plan and submit report at regular interval to labour department or others, as applicable. M/s Wonder Cement and M/s Mangalam Cement to get the workers tested and submit X-rays test report of workers to labour department after the issue of COVID-19 is settled.
- d. M/s ACC Cement has submitted its separate plan to CPCB on 31.12.2020 which is to be examined by the Health Expert. M/s ACC Cement to get the workers tested and submit X-rays test report of workers to Labour department after the issue of COVID-19 is settled.
- e. M/s Ambuja Cement Limited and M/s Ultratech Cement have yet not submitted action plans despite repeated instructions.

Item No. 04

Court No. 1

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

(By Video Conferencing)

Original Application No. 533/2019

(With Reports dated 10.06.2020 & 22.06.2020)

Anubhav Kumar

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 23.06.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Mr. Rahul Khurana, Advocate

Respondent(s): Ms. Sakshi Popli, Advocate for DPCC
Mr. Narender Pal Singh, Advocate for CRWC
Mr. Om Prakash, Mr. Digvijay Singh Malik, Advocates for
Northern Railway
Mr. Divya Prakash pandey, Advocate for CPCB

ORDER

1. The question for consideration is the remedial action against air pollution in and around the areas of Rani Bagh, Shakurbasti, Raja Park, Punjabi Bagh, Srinagar and Madipur near Shakurbasti Railway Station, Delhi on account of unscientific manner in which loading/unloading of cement was being undertaken.
2. The matter was earlier considered by this Tribunal on 14.08.2019 in the of factual and action taken reports from the Delhi Pollution Control

Committee (DPCC), the Station Superintendent/Terminal Manager, Central Railway Warehouse (CRWC), Cement Siding at 2 Shakurbasti Railway Station, New Delhi 110034 the Chief Goods Supervisor, Cement Siding at Shakurbasti Railway Station, New Delhi-110034. The reports revealed causing of pollution in the process of loading and unloading without adequate safeguards.

3. This Tribunal constituted an independent Expert Committee, to further examine the matter, comprising:

- i. Dr. Prashant Gargava, Member Secretary, CPCB.
- ii. Dr. Mukesh Khare, Professor, IIT Delhi.
- iii. Dr. Mukesh Sharma, Professor, IIT Kanpur.
- iv. Member Secretary, DPCC.

4. The Tribunal further directed:

“9. The Committee may study the problem area in terms of ambient air quality, carrying capacity, health impact on the inhabitants and the workers involved in the process and suggest remedial measures. The Committee may give its report within three months by email at judicial-ngt@gov.in.

10. In the meanwhile, the remedial measures suggested by the DPCC may be adopted by the CRWC and the Railway Administration.”

5. The matter was thereafter considered on 10.01.2020 in the light of the report filed on 20.12.2019 by Member Secretary, CPCB representing the joint Committee. It was observed:

“
6. *The Committee also noted:*

Out of the five cement companies i.e. M/s ACC Cement, M/s Wonder Cement, M/s Mangalam Cement, M/s Ambuja Cement and M/s Ultratech Cement, four companies except M/s ACC Cement have not conducted any health checkup of workers. M/s ACC have also reported that only one health checkup has been conducted.

- i. All companies reported about distribution of masks however only M/s Ambuja Cement submitted documentary evidence in this regard. **During the site visit conducted on October 23, 2019, none of the labors involved in loading of cement were found wearing Masks or Gloves.**
 - ii. **Out of five companies, only M/s Ambuja Cement reported with systematic plan of action to educate and provide PPE to the labor engaged in the activity of cement sacks handling."**
7. **The report further is that in the health survey, most residents complained about dust spilling over their houses and floors and health issues related to breathing and respiratory system and skin itching/allergy. While few enrolled workers reported respiratory and skin problems, in case of daily wage workers a substantial number of workers reported respiratory and skin problems. Besides health survey, X-Ray of 15 enrolled workers was also conducted to confirm the impact on health. The most important single investigation for any worker with exposure to dust is a plain chest X-ray. X-Ray of Chest region under specifics of 17x14 inches along including both costo-phrenic angles was conducted. The changes observed on X-Ray examination, suggestive of adverse impact, include:**
 - **Prominent Brocho-vascular marking indicated infection that cement dust appears to have caused. The workers also complained of symptoms relating to infection, a common outcome of dust exposure.**
 - **Presence of Calcified node on X-ray examination that also suggested past healed infection which again dust exposure may have caused**
 - **Scarring of the lung tissue that indicates fibrosis has been observed as a common consequence of exposure to dust containing silica.**
8. **The conclusions and recommendations of the Committee are:**

6. **Conclusion:**

Northern Railway has not taken any measure to control fugitive emissions generated due to cement handling and other associated activities while CRWC has taken partial measures for controlling fugitive emissions.

PM levels at cement siding are 31% higher than the surrounding locations and further cement dust is carried over to surrounding residential areas. Emission load of the grid of 4kmx4km is

exceeding the limit and therefore control measures are to be implemented at cement siding as well as for other emission sources such as transport, road dust etc contributing to the grid of 4kmx4km.

Further, X-ray examination of workers revealed that there is adverse health impact due to exposure to cement dust but neither M/s GS company nor cement companies has implemented any systematic plan of action to educate and protect labor engaged in the activity of cement sacks handling. No measures have been taken to monitor workers health since majority of the workers are working on adhoc basis.

Residents surveyed have complained about dust spilling over their houses and floors, and, health issues related to respiratory system and skin. However, health issues may not be solely attributed to pollution caused due to activities of cement siding considering that there are other localized sources of pollution also and that exposure of residents to cement is less than that of workers.

7. Recommendations:

- *Northern Railway shall immediately construct warehouse for handling of cement bags so as to minimize fugitive emissions until then no cement handling shall be permitted.*
- *Mechanical handling of cement bags using conveyor belts shall be introduced by NR and CRWC in order to reduce fugitive emissions.*
- *The enclosures in the form of flexible belt curtain may be provided for the unloading sides.*
- *Warehouse cleaning shall be done with only mechanical means by NR and CRWC and it shall be done on regular basis. Cement collected shall be properly stored and records be maintained.*
- *Peripheral roads for vehicle movement should be paved and these should be properly maintained.*
- *M/s GS company shall implement a systematic plan of action to educate and protect labor engaged in the activity of cement sacks handling.*
- *All five cement companies (M/s ACC Cement, M/s Wonder Cement, M/s Mangalam Cement, M/s Ambuja Cement and M/s Ultratech Cement) shall implement a systematic plan of action to educate*

and protect workers engaged in the activity of cement sacks handling.

- **There should be a system of record keeping of workers engaged in the activity of cement handling. Periodic health assessment of workers should be done for workers engaged in cement handling and records shall be maintained.**
- **Test for remaining workers involved in loading and unloading activities shall be immediately got conducted through an environmental health physician and all workers detected with health impact shall be treated at the cost of M/s GS Company and Cement Companies, as applicable. CRWC and NR shall monitor compliance and submit report to DPCC and CPCB.**

8. We are satisfied that the report needs to be acted upon and necessary steps in terms of the recommendations taken by the Northern Railways as well as by CRWC and the five cement companies, after preparing an appropriate action plan. The compliance may be monitored by Central Pollution Control Board (CPCB) and Delhi Pollution Control Committee (DPCC). The action plan may be prepared within one month and got approved by the Committee constituted by this Tribunal. The Committee will be free to make suitable alterations in the action plan. The CPCB may also access and recover compensation for the damage to the environment and public health for the period prior to the remedial action. Such interim measures as may be found necessary may also be taken by the Railway Administration as well as by the CRWC and the cement companies consistent with the ground situation and the observations in the report mentioned above. Compliance status as on 15.04.2020 may be furnished to this Tribunal after getting information from all concerned by the CPCB before the next date by email at judicial-ngt@gov.in.

A copy of this order be sent to CPCB and DPCC by email for compliance."

6. Accordingly, the CPCB and the DPCC have filed their reports. The report of the DPCC filed on 10.06.2020 is inter alia as follows:

"...That a meeting of expert committee was held on 04.03.2020 to discuss the action plans submitted by M/s Northern Railways and M/s CRWC and cement companies. Minutes of the meeting dated 04.03.2020 are enclosed here with and annexed as Annex u re-2.annexed as Annexure-2.

That the expert committee has expressed dissatisfaction at the response of M/s Northern Railways which did not submit any plan for construction of warehouse at its platforms and no proper plan was submitted by it in compliance of order dated 10.01.2020 of Hon'ble NGT. On action plan of M/s CRWC, expert committee expressed that the compliance report to be verified on ground by CPCB.

That M/s Northern Railways has failed to comply with the directions of Hon'ble Tribunal and directions issued by DPCC vide Show Cause Notice dated 30.12.202019 therefore, Directions for closure (no cements handling permitted) and imposing EDC of Rs. 1,00,00,000/- (Rupees one crore only) were issued to M/s Northern Railway on 04.06.2020. Copy of the Directions are enclosed here with and annexed as Annexure-3

That, M/s CRWC has also partially complied with the directions of Hon'ble Tribunal and directions issued by DPCC vide Show Cause Notice dated 30.12.202019 therefore, Directions imposing EDC of Rs. 20,00,000/- (Rupees Twenty lakhs only) and Modified Direction were issued to M/s CRWC on 04.06.2020 to comply with the Environmental norms within 45 days. Copy of the directions are enclosed here with and annexed as Annexure-4(Colly). ”

7. The report of the CPCB filed on 22.06.2020 notices certain shortcomings and makes recommendations as follows:

“3.1.2 Short-comings

- A. Revised Action plan on following other pollution control measures with timelines is still awaited from Northern Railways, despite several reminders issued by CPCB:
1. Construction of warehouse on both the platforms i.e. GPF and Platform No01 Enclosures in the form of flexible belt curtain may be provided for the unloading sides.
 2. Mechanical handling of cement bags using conveyor belts.
 3. Mechanical cleaning of warehouse and arrangement for proper storage of cement collected during cleaning and records to be maintained.
 4. Timeline for completion of road construction work has not been submitted.

- B. Northern Railway has continued to permit cement handling activities despite Hon'ble NGT directions. As per the log book maintained by the company, cement unloading/loading activity was conducted in the month of May as well as June 2020. However, during the inspection, there were no cement bags lying on the platform and hence no loading/unloading operation was observed at the site.
- C. No progress report obtained from M/s Ultratech Cement on health test of workers involved in cement handling and submitted to CPCB.

3.1.3 Conclusion

Northern Railway has not taken proper action for implementing the recommendations of the Expert Committee including both implementation of pollution control measures and health test of workers.

3.1.4 Recommendations

1. Northern Railway may be directed to submit the action plan within one week for implementation of pollution control measures.
2. Northern Railway may be directed to stop the cement handling operations with immediate effect. **Operations be resumed only after the pollution control measures recommended by the Expert Committee are implemented.**
3. Northern Railways to ensure that the test of health workers involved by M/s Ultratech Cement be got conducted after the issue of Covid-19 pandemic is settled and report be submitted to Labor Department, Delhi Government with plan of treatment of affected workers and for levy of compensation.

3.2 Central Railside Warehouse Ltd. (CRWC)

CRWC vide letter dated 10.02.2020 submitted Action plan and the same was considered by the Expert Committee for implementation within the timelines proposed by the CRWC. The CRWC vide letter dated 18.4.2020 and 10.6.2020 submitted the progress report on the action plans.

3.2.1 Progress

CRWC have installed conveyor belt machines for mechanical unloading/ loading of cement bags as observed during CPCB inspection conducted on 11.06.2020. However, no loading/unloading operation was ongoing at the site during the inspection. NIT (Notice Inviting Tender) for 10 more conveyor belt machines have been issued and these were to be installed within 06 months i.e. by August 2020, as per the original action plan. However, as per the progress report dated 10.6.2020, these are now expected to be delivered by August/September 2020 due to nationwide lockdown.

- CRWC has placed order for flexible PVC belt curtain enclosure for the warehouse and it was reported that the work will be completed by

February end as per the original action plan. However, as per the progress report dated 10.6.2020, the work is expected to be completed within a month after lockdown period ends probably by June end. During the inspection on 11.06.2020, the work for installation of flexible belt curtains for enclosure at both loading/unloading sides was found to be in progress. Belt curtains were installed at a few locations. Slider channels for curtains were in place on rail side of the 16 compartments/warehouses (8 on each side).

- CRWC have purchased four sweeping machines for mechanical sweeping of warehouse and the collected cement is stacked and stored separately in the cement bags within the warehouses and records are maintained. During the inspection on 11.6.2020, these machines were found operational. Also, one mini truck loaded sweeping machine is used for pavement cleaning.
- CRWC appointed M/s GS Company have got the test conducted for the remaining workers involved in cement handling and reports are to be submitted. Health awareness program conducted with training of workers and PPE distribution in the month of January and February.
- Records of workers involved in cement handling by M/s GS Company have been submitted.

3.2.2 Shortcomings

1. Revised action plan to educate and protect health of labour in case of M/s GS Company yet to be submitted.
2. No progress report obtained from M/s ACC Cement, M/s Wonder Cement, M/s Mangalam Cement and M/s Ambuja Cement on health test of workers involved by these companies in cement handling and submitted to CPCB.

3.2.3 Conclusion

Action has been taken by CRWC for implementing the recommendations of the Expert committee. Some of the recommendations have been implemented while work is under progress on remaining recommendations.

3.2.4 Recommendations

1. CRWC may be directed to complete the remaining works within the timelines submitted in the revised progress report.
2. CRWC may be directed to ensure submission of revised⁵ action plan for education and protection of labour health by M/s GS Company within 01 week.
3. CRWC to ensure that the test of health workers involved in cement handling by M/s ACC Cement, M/s Wonder Cement, M/s Mangalam Cement and M/s Ambuja Cement be got conducted after the issue of Covid-19 pandemic is settled and report including the report of workers got tested by M/s GS Company be submitted to Labor Department, Delhi

Government with plan of treatment of affected workers and for levy of compensation.

3.3 Cement Companies (compliance w.r.t. Workers Health)

3.3.1 M/s ACC Limited

The company has conducted health check-up camp on 3.3.2020 inviting random labor and other participants and labor with health problems got tested and report submitted to CPCB. As per the opinion of Dr. T.K. Joshi, Senior Advisor, Environmental Health, MoEF&CC, these reports are of limited understanding until occupational history is shared. Apart from X-ray, other tests of workers were conducted which was not related to occupational health.

The company has not submitted revised plan to educate and protect health of labour incorporating the Expert opinion. No record provided for the labor involved in cement handling and health tests (X-ray) of these workers.

3.3.2 M/s Ambuia Cements Ltd.

The company has informed about health and safety awareness camp held in January month and distribution of the masks and gloves in the month of February but no documentary evidence submitted. Random labor and other participants were invited for these camps.

The company has not submitted revised plan to educate and protect health of labour incorporating the Expert opinion. No records provided for the labor involved in cement handling and health tests (X-ray) of these workers.

3.3.3 M/s Wonder Cements

The company has not submitted revised plan to educate and protect health of labour incorporating the Expert opinion. No records provided for the labor involved in cement handling and health tests (X-ray) of these workers.

3.3.4 M/s Mangalam Cements

The company has informed about health awareness program and PPE distribution camp organized in the month of February/March 2020. Random labor and other participants were invited for these camps.

The company has not submitted revised plan to educate and protect health of labour incorporating the Expert opinion. No records provided for the labor involved in cement handling and health tests (X-ray) of these workers.

3.3.5 M/s Ultratech Cement

The company have informed about health awareness program and PPE distribution camp organized in the month of February 2020. Random labor and other participants were invited for these camps.

The company has not submitted revised plan to educate and protect health of labour incorporating the Expert opinion. No records provided for the labor involved in cement handling and health tests (X-ray) of these workers.

B) Recommendations w.r.t. workers health

1. M/s GS Company and other 5 cement companies may be directed to submit revised action plan to educate and protect health of labour incorporating the Expert opinion.
2. Records to be provided for the labor involved in cement handling by all 05 cement companies.
3. Test of health workers involved by all 05 cement companies be got conducted after the issue of Covid-19 pandemic is settled and report be submitted to Labor Department, Delhi Government with plan of treatment of affected workers and for levy of compensation. M/s GS Company has got the labor test conducted and therefore shall submit the report to Labor Department.
4. All 05 cement companies and M/s GS Company to ensure that labor shall wear PPE while carrying out cement handling activities.

3.4. Environmental and Health Compensation

Hon'ble NGT directed that "The CPCB may also access and recover compensation for the damage to the environment and public health for the period prior to the remedial action".

Status of Environmental Compensation

The Expert Committee discussed the issue of levying Environmental Compensation. It was suggested that interim EC may be levied for the period from May 27, 2019 (date of filing of application by Applicant) to June II, 2020 (date of compliance verification by CPCB). The EC methodology and calculation was discussed in the Expert Committee meeting held on 16.6.2020. Interim Environmental Compensation for the said period was calculated as Rs 71,62,500/- and Rs 28,65,000/- in case of Northern Railways and CRWC respectively.

CPCB is issuing directions to Northern Railways and CRWC to deposit EC amount within a month. Further, Final EC will be levied on both the companies, after completion of all the remedial measures (for the period of completion of remaining works).

Recommendations w.r.t. Health Compensation

With regard to levy of health compensation, the Expert Committee has recommended that the matter be referred to Labor Department, Delhi Govt. The said department shall take necessary action as per the

relevant labor laws and submit report to the Hon'ble Tribunal. Test of health workers involved by all 05 cement companies be got conducted after the issue of Covid-19 pandemic is settled and report be submitted to Labor Department, Delhi Government with plan of treatment of affected workers and for levy of compensation. M/s GS Company has got the labor test conducted and therefore shall submit the report to Labor Department."

8. Learned counsel for the applicant has rightly pointed out that the Northern Railways has failed in its duty of taking necessary steps to prevent air pollution affecting the environment and public health. We find that the reports submitted are based on material and need to be acted upon.

9. Let further action be taken by the Railways, CRWC and the Cement Companies in the light of observations in the reports. Compensation assessed may be recovered as per law. Further status and compliance report may be filed. The compensation may be recovered as an interim compensation.

10. Further reports be filed on or before 31.10.2020 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

A copy of this order be sent to the Chief Goods Supervisor, Cement Siding at Shakurbasti Railway Station, New Delhi-110034, CRWC, CPCB and the DPCC by email.

List for further consideration on 23.11.2020.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

June 23, 2020
Original Application No. 533/2019
AK

Dr. Nagin Nanda, EM



Minutes of Meeting of Expert Committee constituted by Hon'ble NGT in O.A. 533/2019
Anubhav Kumar v/s Union of India & Ors reg

CPCB apprised the Expert Committee members that Hon'ble NGT vide order dated 23.06.2020 directed Northern Railways, CRWC, and all five cement companies to take further action in the light of observations made in the CPCB status report dated 22.06.2020. Subsequently, plans and compliance status were submitted to CPCB by the concerned parties and meeting of the Expert Committee on 10.09.2020 has been convened to examine the plans and progress reports for further necessary action in the matter (List of participants enclosed).

1. Action Plan of Northern Railways

- **Construction of Warehouse:** Northern Railways in the revised action plan submitted vide letter dated 26.07.2020 has mentioned that their facility is not a warehouse and they are engaged primarily for transportation of goods and that there are demurrage and wharfage charges beyond permissible time limit. The issue of dust emissions is due to poor quality of cement bags. The material for installation of curtain belt has arrived and installation is expected to be completed by 30.11.2020.

Expert Committee expressed that curtain belts will not be effective for controlling fugitive emissions considering the size of platforms and volume of material to be handled. There will be further problem of damage of curtains and their maintenance leading to leakages and emissions. As such, the curtains cannot be a replacement of warehouse. Therefore, NR should construct the warehouse in a time bound manner. Curtain belts are to be provided at the opening/doors of the warehouse in order to minimize dust emissions at the time of unloading/ loading of cement bags. These timelines shall be submitted to Expert Committee for consideration.

- **Mechanical handling of cement bags and mechanical cleaning of platforms:** Northern Railways has informed that it has instructed to cement companies for making these arrangements and thereafter no status has been provided.

Expert Committee observed that since NR is the owner of the property, it has to take the responsibility to get these measures implemented in a time bound manner. Expert Committee recommended that NR shall be asked to obtain and submit time bound action plan in this regard.

- **Construction of Peripheral Roads:** Northern Railways has stated that work of road construction has been stopped due to COVID-19 pandemic and that road construction is expected to be completed by 31.10.2020.

Expert Committee recommended that progress be verified by DPCC on ground and report be submitted to Expert Committee.

(PK)

- **Deposition of Environmental Compensation:** NR has requested to withdraw EC and also decided to file an appeal against the imposition of the fine.

Expert Committee observed that EC has to be paid by NR.

2. Action Plan of CRWC

- **Installation of curtain belts and conveyor belts:** CRWC has informed that curtain belts have been provided both on unloading and loading sides of the warehouses and that conveyor belts will be provided by 30th September.

Expert Committee recommended DPCC to verify the progress on ground and report be submitted to Expert Committee.

- **Deposition of Environmental Compensation:** CRWC has requested to reduce/ waive off EC in view of the measures implemented for control of pollution. Further, it had filed appeal against EC imposed by CPCB in Hon'ble NGT and the same has been dismissed on 27.08.2020.

Expert Committee recommended that CRWC be asked to deposit EC.

3. Action Plan of M/s GS company and 5 cement companies namely M/s ACC Cement, M/s Wonder Cement, M/s Ultratech M/s Mangalam Cement and M/s Ambuja Cement

- M/s ACC Cement had requested 04 weeks' time for submission of action plan, due to resource constraints as a result of COVID-19 pandemic, via email dated 27.7.2020. M/s Ultratech Cements had requested 02 months for submission of plan, due to COVID-19 pandemic and associated lockdown scenario, vide email dated 30.7.2020. M/S GS Company and M/s Wonder Cement has submitted the revised action plan via email dated 02.07.2020 and 29.07.2020. M/s Mangalam Cement has not submitted the plan. M/s Ambuja Cement has submitted a brief plan, stating that details of the action will be planned once things get normal after COVID-19 pandemic, vide mail dated 01.08.2020.

Expert Committee recommended that the specific shortcomings observed in these plans or the earlier plans as against the expert advice given by Dr. T.K. Joshi be communicated to these companies by CPCB. These companies be accordingly asked to submit the revised final action plan by 30th September 2020 and that 30th September 2020 be treated as the final deadline. Once the final plans are accepted by Dr. T.K. Joshi, the companies be informed about its implementation and implementation of any other measures recommended by Labor Dept. and as per existing rules and regulations.

CPCB apprised the Expert Committee that with regard to levy of Health Compensation and plan of treatment of affected workers, CPCB has already directed the cement companies

(PK)

and CRWC (in case of M/s G.S. Company) to submit workers health reports and plan of treatment of affected workers to the Labor Department, Govt. of Delhi for necessary action after the issue of Covid-19 is settled. Further, the Hon'ble NGT order dated 23.6.2020 has also been forwarded to Labor Department, Govt. of Delhi.

The meeting ended with vote of thanks to all the expert members.

List of participants

1. Dr. Prashant Gargava, MS-CPCB
2. Prof. Mukesh Khare, Professor, IIT-Delhi
3. Prof. Mukesh Sharma, IIT-Kanpur
4. Sh. T.K. Joshi, Health expert, CPCB-Board member
5. Sh. Mohd. Arif, SEE-DPCC
6. Sh. P.K. Gupta, Head-AQM Division
7. Sh. Ankush Tewani, Sc. 'D', CPCB
8. Sh. Gautam Kumar Sharma, Sc. 'B', CPCB



Minutes of Meeting of Expert Committee constituted by Hon'ble NGT in O.A. 533/2019 Anubhav Kumar v/s Union of India & Ors reg. held on 05.11.2020

A meeting of the expert committee was convened on 05.11.2020 to review the status of implementation of the revised action plans/responses received from CRWC and cement companies. List of participants is annexed.

In the last meeting of expert committee held on 10.9.2020, the committee had recommended that NR shall be directed to submit time bound action plan and deposit environmental compensation (EC), and DPCC to verify the compliance reported by NR and CRWC. It was also recommended to convey the shortcomings observed in the action plans submitted by cement companies for submission of a revised action plan.

1. NR:

- CPCB has issued letters dated 17.09.2020 and 14.10.2020 for submission of revised action plan and deposition of interim environmental compensation. NR vide letter dated 29.10.2020 has been issued directions under Sec 5 of E (P) Act to submit the action plan and deposit EC by 10.11.2020.
- Expert committee was informed that the submission of action plan and EC is still awaited.

2. CRWC:

- The Expert Committee examined the compliance report and status of on-going work submitted on 30.09.2020. DPCC verified the compliance report submitted by CRWC through site visit on 09.10.2020, and confirmed that actions as mentioned in the report have been completed.
- The Expert Committee approved the final EC amount, i.e. Rs 4,16,250/- (for the period 12.06.2020 to 30.09.2020)

3. M/s G&S Company:

- Revised action plan was submitted on 30.09.2020 and, was examined and approved by the Health Expert. CPCB on 26.10.2020 communicated that the plan can be implemented along with specific recommendations.
- Test reports of 61 workers have been forwarded to Labour Dept, Delhi Govt. by CPCB vide letter dated 23.09.2020 for examination and necessary action, as applicable.

4. Response from Cement Companies:

- **M/s Wonder Cement:** Submitted revised action plan on 30.09.2020 and, was examined and approved by the Health Expert. CPCB on 26.10.2020 communicated that the plan can be implemented along with specific recommendations.
- **M/s Mangalam Cement:** Vide letter dated 23.10.2020 has submitted details of activities conducted but were not found in line with the expert opinion. The Expert Committee recommended that a communication may be sent to CRWC to ensure submission of a revised action plan by M/s Mangalam cement.



- **M/s ACC Cement, M/s Ambuja Cement and M/s Ultratech Cement:** The Expert Committee discussed the issue of common labour pool and difficulty in identifying a proper plan for avoiding duplication of health measures, and recommended that Cement companies to discuss the modalities with CRWC and NR and submit the action plan, ensuring workers' health is taken care of against fugitive dust released during cement handling operation. The Expert Committee decided to provide two weeks time for submission of action plan.

The Expert Committee was also informed that Labour dept. Delhi vide letter dated 20.10.2020 have cited their inability to examine the health reports and suggested referring the case to Chief labour commissioner, Govt. of India, as appropriate authority for the matter since CRWC is a central government organization

The Expert Committee suggested CPCB to seek legal opinion about jurisdiction in the matter.

The meeting ended with vote of thanks to all the expert members.

----- *** -----

Annexure- 1

List of participants (through VC)

1. Dr. Prashant Gargava, MS-CPCB
2. Sh. P.K. Gupta, Head-AQM Division
3. Sh. T.K. Joshi, Health expert, CPCB-Board member
4. Prof. Mukesh Sharma, IIT-kanpur
5. Prof. Mukesh Khare, Professor, IIT-Delhi
6. Sh. Mohd. Arif, SEE-DPCC
7. Sh. Ankush Tewani, Sc. 'D', CPCB
8. Sh Gautam Kumar Sharma, Sc 'B', CPCB
9. Ms. Simpy Singh, JRF, CPCB



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

SPEED POST

AQM/NGT-533/Shakurbasti/2019-20

October 29, 2020

To:

General Manager,
Northern Railway Headquarters Office
Baroda House,
New Delhi- 110001

Subject: Direction under Section 5 of Environment (Protection) Act, 1986 regarding submission of Action plan and deposition of Environmental compensation in O.A. 533/2019: Anubhav Kumar v/s Union of India & Ors. -reg.

WHEREAS, an application was filed in the Hon'ble NGT in O.A. 533/2019: Anubhav Kumar Versus Union of India & Ors., regarding the air pollution issue at cement siding area at Shakurbasti caused on account of cement loading/unloading operations being carried out in unscientific manner;

WHEREAS, the Hon'ble NGT vide order dated 14.08.2019 appointed an independent Expert Committee to go into the issue and suggest remedial measures.

WHEREAS, the Expert Committee conducted site inspection and observed that Northern Railway had no measures in place to control fugitive emissions generated due to cement handling and other associated activities;

WHEREAS, the Expert Committee submitted a detailed report to the Hon'ble NGT based on field observation, assessment of air quality, carrying capacity assessment and health impact on workers;

WHEREAS, the Expert Committee recommended implementation of various pollution control measures by Northern Railways such as construction of warehouse, use of mechanical system for cement handling (conveyor belts) and cleaning of platforms, construction of peripheral roads etc.;

WHEREAS, the Hon'ble NGT accepted the Expert Committee report and recommendations and directed Northern Railways vide its order dated 10.01.2020 to act upon the report and take necessary steps in terms of the recommendations made in the report.

Contd..

WHEREAS, the Hon'ble NGT directed Northern Railway to submit an action plan to be examined and duly approved by the Expert Committee;

WHEREAS, Northern Railway vide letter 07.02.2020 submitted action plan to Expert Committee for consideration and the same was examined in meeting held on 4.3.2020 and the Expert Committee recommended for submission of revised action plan which was communicated to Northern Railways vide CPCB letter/email dated 20.3.2020;

WHEREAS, Northern Railway did not submit the revised action plan and the same was brought to the notice of Hon'ble NGT vide CPCB report dated 22.6.2020 along with assessment of interim Environmental Compensation amount of Rs 71,62,500/- to be deposited by Northern Railway;

WHEREAS, Hon'ble NGT vide its order dated 23.06.2020 directed Northern Railway to take action in the light of observations in the report and further the Environmental Compensation be recovered;

WHEREAS, Northern Railway vide letter dated 24.07.2020 submitted the revised action plan but did not pay the Environmental Compensation;

WHEREAS, Expert committee in the meeting held on 10.09.2020 examined the revised action plan of Northern Railways and opined on implementing its recommendations, and further deposition of Environmental Compensation;

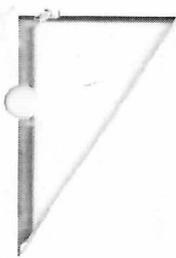
WHEREAS, the objective of construction of warehouse was to have cement handling operations and stacking in a closed environment and thereby minimizing fugitive emissions, and its carry over to surrounding residential areas. The construction of warehouse (closed structure) does not make it necessary for Northern Railway to use it as warehouse.

WHEREAS, CPCB vide letter dated 17.9.2020 communicated the observations of the Expert Committee to Northern Railways;

WHEREAS, CPCB again vide letter dated 14.10.2020 asked Northern Railway to submit revised action plan and deposit the Environmental Compensation which is still not submitted.

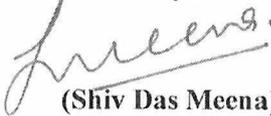
NOW THEREFORE, in view of the above and in exercise of the power vested under Section 5 of the Environment (Protection) Act, 1986, Northern Railway is hereby

Contd..



directed to submit action plan indicating timelines for implementation of pollution control measures, and, deposit Environmental Compensation of Rs 71,62,500/- by November 10, 2020.

In case of failure to comply with the above directions, action may be initiated as per law.


(Shiv Das Meena)
Chairman



File No.NR-DLI0COMM(LGL)/2/2020-Freight Legal

Northern Railway,
Delhi Division.

File No.IC-MG-45-2019
Dated: 18/12/2020

Divisional Office,
Delhi Division.

(Through Speed-Post/E-mail)

To

Mr. P K GUPTA,
Divisional Head – AQM,
Central Pollution Control Board,
East Arjun Nagar,
Delhi – 110032.

Subject: Compliance of CPCB Directions under Sec 5 of Environment (Protection) Act, 1986-reg.

Reference: i. Your Office Letter No.AQM/NGT-533/Shakurbasti/2019-20 dated 29/10/2020.
ii. This office Letter of even number dated 05/11/2020 & 10/11/2020.
iii Your office Letter No.AQM/NGT-533/Shakurbasti/2019-20 dated 12/11/2020.

Kindly refer to the above mentioned letters and your office letter No.AQM/NGT-533/Shakurbasti/2019-20 dated 11/12/2020 received in this office via e-mail, regarding the above mentioned subject.

In this regard, the following points are submitted for your kind consideration:

1. May kindly appreciate that, in compliance of the directions given by DPCC vide letter no. DPCC/CMC-III/2019/10144-10148 dated 04/06/2020, the SSB Railway siding has already been closed with immediate effect since 25/06/2020, and the same was communicated to CPCB and DPCC vide this office e-mail dated 30/06/2020. Therefore, there is No polluting activity going on right now at SSB Railways siding by since 25/06/2020.
2. Regarding the submission of the action plan, it is reiterated that this office has already submitted the required action plan on 07/02/2020 and again on 24/07/2020.
3. Regarding the submission of the environmental compensation of Rs.71,62,500/-, it is to submit that the environmental compensation has been deposited (under protest) in the bank details provided by your office e-mail dated 20/11/2020. It is requested here that, in view of the orders of Hon'ble NGT dated 15/09/2020 in the matter of Shivansh Pandey v/s State of Uttar Pradesh, the deposited amount may kindly be deposited in an "Escrow Account" without prejudice to the right of Railways to contest, challenge the quantum, process of imposition of environmental compensation and its calculation arrived at by CPCB & DPCC on the merits in the facts and circumstances of the case, and the final outcome of the appeal of Railways in this matter.
4. It is also pertinent to mention that Railways has appealed against the imposition of fine and other issues in the Hon'ble NGT in view of the orders of Hon'ble High Court in the matter of Anubhav Kumar v/s Union of India dated 13/10/2020. The next date of hearing of the appeal is fixed for 08.01.2021.
5. May kindly appreciate the fact that although the SSB Railway siding has already been closed with immediate effect since 25/06/2020 as per the instructions given by DPCC vide letter dated 04/06/2020, resulting into the shift of the transportation of the cement from Railways to road transportation, however, it is submitted that Railways is still a far more environmental friendly mode of transportation than the road transportation of the cement.

File No.NR-DLI0COMM(LGL)/2/2020-Freight Legal

6. It is again submitted that the main cause of this pollution is the fugitive emissions which emerges because of the poor and porous quality of the cement bags of various cement companies. They are using such quality of bags which are not cement dust emission proof. These fugitive cement bags and their qualities are the main and primary source of cement dust emissions while cement handling. Thus, in the spirit of the "Polluter-Pay-principle", the cement companies should be instructed to use good quality of the cement bags so that the problem of fugitive emissions is eliminated. Accordingly, the cement companies should be held fully responsible and liable to pay the compensation for any damage caused by the fugitive emissions emerging out of their cement bags.
7. It is also pertinent to mention here that the Northern Railway Headquarters office has made a reference to Ministry of Railways on the policy issues involved with a request to take up the issues raised with Ministry of Environment, Forest & Climate change, and issue guidelines.
8. May kindly also appreciate the fact that the concerned officers of Delhi Division are committed for taking all the essential steps to mitigate the effects any pollution at SSB siding which involves construction of peripheral roads, provision of curtain wall etc.(copies enclosed). Moreover, the higher authorities have already been approached for taking the appropriate decision regarding the construction of the warehouses at SSB Railways siding. Moreover, the process of nominating an agency/contractor for mechanised cleaning of SSB station/siding has also been initiated.
9. May kindly appreciate that this office has already initiated the process of the development of Shakurbasti Railway siding as an environmental friendly siding since SSB railways siding is already selected by this office for development as per Railway board vide FM circular No.20 of 2020 dt.14/10/2020.

Therefore, in view of the above facts, it is requested that:

1. *The deposited amount (under protest) of environmental compensation of Rs.71,62,500/- , may kindly be deposited in an "Escrow Account" in view of point number 3 above.*
2. *Although various steps of pollution mitigation are already being taken and are in process as mentioned in point 6 above, the action plan regarding the construction of warehouse may kindly be allowed to be submitted as soon as the decision of the appropriate authority is received in this regard.*
3. *Also, in view of the above points, Railway may kindly be allowed to reopen the SSB Railway siding, since, as explained in point 5 above, Railways is still a far more environmental friendly mode of transportation than the road transportation of the cement.*

Signed by Sandeep Gahlot

Date: 18-12-2020 14:43:03

Reason: Approved

DA: As above.

Manager/Freight,

Sr. Divisional Commercial

Delhi Division.

Copy to-

1. CEnHM/NR/BH for kind information.
2. ADRM/Admin for kind information.
3. ADRM/OP for kind information.
4. CCM/SD/NR/BH for kind information.
5. Dy.CCM/FM-II for kind information.
6. Sr.DME/Power/DLI for kind information.

7. Sr.DEN-III/DLI for kind information.
8. Railway Counsel for kind information.



Annexure-VI

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

Speed post/ Email

F. No. AQM/NGT-533/Shakurbasti/2019-20

October 29, 2020

To:

General Manager
Central Railside Warehouse Company Limited (CRWC)
Pragati Maidan Metro Station Building,
Ground Floor, New Delhi - 110001
Email: pamd@crwc.in, contact@crwc.in, tmgr.ssb@crwc.in,

Sub: Approval of revised action plan submitted by M/s GS & Company in the matter of Hon'ble NGT in O.A. 533/2019 reg.

Sir,

This is in reference to the final action plan submitted by M/s GS & Company vide letter dated 29 September 2020 in the matter of Hon'ble NGT in O.A. 533/2019: Anubhav Kumar v/s Union of India. The plans received from M/s GS & Company (dated 30.01.2020, 02.07.2020 and 29.09.2020), to educate and protect the health of workers employed for cement handling activities at Shakurbasti Railway siding by M/s GS & Company, have been examined by the Health expert and these together are found to be in order and can be considered as a single action plan for implementation.

However, M/s GS & Company shall ensure that a dedicated supervisor is deputed for monitoring the usage of PPE by the workers.

In view of the above, the submitted plans along with the aforementioned component be got implemented at the cement siding, at the earliest.

CRWC shall further ensure implementation of any other measures (as per Minutes of meeting dated 17.09.2020) and report be submitted at regular interval to labour department or others, as applicable.

Yours faithfully,

(P.K. Gupta)
DH-AQM Division

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032
दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

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केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

Speed post/ Email

F. No. AQM/NGT-533/Shakurbasti/2019-20

October 29, 2020

To
Chairman,
Wonder Cement Ltd
17 Old Fatehpura, Near Seva Mandir,
Udaipur, Rajasthan – 313004
Email: headoffice@wondercement.com, atul.gupta@wondercement.com

Sub: : Approval of revised action plan submitted by M/s Wonder Cement in the matter of Hon'ble NGT in O.A. 533/2019 reg.

This is in reference to the final action plan submitted by M/s Wonder Cement vide letter dated 29 September 2020 in the matter of Hon'ble NGT in O.A. 533/2019: Anubhav Kumar v/s Union of India. The said plan to educate and protect the health of workers employed for cement handling activities at Shakurbasti Railway siding, has been examined by the health expert and is found to be in order.

However, M/s Wonder Cement shall get developed a questionnaire for creating baseline health profile in line of the expert view shared by CPCB earlier and further decide upon frequency of works of First Aid Workers group to check understanding of hazard and risks at work zone.

In view of the above, the submitted plans along with the aforementioned components are recommended to be implemented at the cement siding, at the earliest.

M/s Wonder shall further ensure implementation of any other measures (as per Minutes of meeting dated 17.09.2020) and report be submitted at regular interval to labour department or others, as applicable.

Yours faithfully,


(P.K. Gupta)
DH-AQM Division

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032
दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

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CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

Speed post/ Email

F. No: AQM/NGT-533/Shakurbasti/2019-20

December 30, 2020

To
President (Corporate)
Mangalam Cement Limited.
Birla Building, 10th Floor, 9/1, R.N. Mukherjee Road
Kolkata - 700 001
Email: kolkata@mangalamcement.com, delhi.marketing@mangalamcement.com

Sub: Final action plan in compliance of Hon'ble NGT order in O.A. 533/2019 for M/s Mangalam Cement Ltd. -reg.

Sir,

This is in reference to the action plan regarding the health, training and education of workers, submitted by M/s Mangalam Cement Ltd. vide letter dated 17.11.2020. M/s Mangalam in the said letter had mentioned that its labor are covered in the health and welfare activities undertaken by CRWC/ M/s GS Company in contradiction to the fact that only labor involved in unloading activity are covered under purview of CRWC/ M/s GS Company. Also, the issues of common labor and responsibility of NR and CRWC were raised.

Accordingly, CPCB vide letter dated 21.12.2020 advised M/s Mangalam to approach NR/CRWC and submit concrete progress with regard to action plan by 24.12.2020.

M/s Mangalam Cement, in response, vide letter dated 24.12.2020 had informed that it is initiating activities for health and education of labour at SSB, in accordance with the said plan. In view of this clarification, your plan was forwarded to the Health Expert for examination and that the same has been examined and is found to be in order.

Accordingly, M/s Mangalam shall implement the "Action Plan to Educate and Protect Health of Labour" at the cement siding at the earliest including any other measures recommended by Labor Department and as per other existing rules and regulations applicable, and submit regular reports to labor department or others, as applicable. Further, a dedicated supervisor shall be appointed for monitoring usage of PPE by workers.

Further, the health test reports of workers along with plan of treatment of affected workers shall be provided to Labor Department, Central Government for necessary action after the issue of COVID-19 is settled.

Yours faithfully,


(P.K. Gupta)
DH-AQM Division

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032
दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

Speed post/ Email

F. No: AQM/NGT-533/Shakurbasti/2019-20

November 11, 2020

To:

As per list

Sub: Submission of final Action plan in compliance of Hon'ble NGT order dated 23.06.2020 in O.A. NO. 533/ 2019: Anubhav Kumar Vs Union of India - reg

Sir,

This is in reference to CPCB letter dated 17.09.2020, directing cement companies to submit revised action plan to educate and protect the health of worker. In response, M/s ACC vide letter dated 23.10.2020, M/s Ambuja vide letter dated 14.10.2020 and M/s Ultratech vide letter dated 30.09.2020 have raised the issue of common pool of labourers.

The Expert Committee in its meeting held on 05.11.2020 recommended that the action plan for education and protection of labour health is to be prepared and implemented, and that the Cement companies to discuss the modalities with CRWC and NR and submit the action plan.

In view of the above, it is directed to submit the final action plan by 18.11.2020 to CPCB.

Yours faithfully,

(P.K. Gupta)
DH-AQM Division

List:

Sr. Divisional Commercial Manager/Freight,
Delhi Division, Northern railway
State Entry Road
Delhi - 110006

General Manager
Central Railside Warehouse Company Limited (CRWC)
Pragati Maidan Metro Station Building,
Ground Floor, New Delhi - 110001

MD & CEO,
ACC Limited Cement House 121,
Maharishi Karve Road Mumbai - 400 020
Email: acc@ethicalview.com, sanjeevk.sharma@acclimited.com.

Chairman.
Ambuja Cement, PO Ambujanagar
Taluka Kodinar, Gir Somnath district
Gujarat - 362715
Email: corporate.communications@ambujacement.com,
sameer.khashu@ambujacement.com

Chairman,
Ultratech Cement
"B" Wing, 2nd floor, Ahura Centre Mahakali Caves Road,
Andheri (East) Mumbai 400 093.
Email: sushil.pathak@adityabirla.com, kvijender.reddy@adityabirla.com



Aparna Dutt Sharma
Secretary General

November 20, 2020

Mr P K Gupta
DH-AQM Division
Central Pollution Control Board
Parivesh Bhawan
East Arjun Nagar
Delhi - 110032

Dear Mr Gupta,

Sub: Submission of final Action plan in compliance of 23.06.2020 Hon'ble NGT order dated in O.A. NO. 533/ 2019: Anubhav Kumar Vs Union of India

At the outset, I would like to introduce myself from the Cement Manufacturers Association (CMA), which is the apex body of large Cement Manufacturers in India.

I am writing to you with reference to the NGT case relating to *Anubhav Kumar versus Union of India & Ors* (Original Application No. 533/2019) as well as the recent CPCB Communication number F.No: AQM/NGT-533/Shakurbasti/2109-20 dated November 11, 2020, directing submission of an action plan for education and protection of labour health in compliance of the NGT order dated June 23, 2020, and that the Cement Companies discuss the modalities with CRWC and Northern Railways for the same.

In this context and on the request of the CMA Member Companies involved in the case, CMA facilitated a meeting over VC on November 19, 2020, with all stakeholders involved, namely, the concerned CMA Member Companies involved in the case, the Railway Board, the Northern Railways and CRWC.

By way of this communication, I would like to thank Dr Manoj Singh, EDTT/F, Railway Board, Mr H S Bajwa, CFTM, Northern Railway, Mr Narendra Kumar Grover, Managing Director, CRWC, who facilitated the aforementioned meeting and are also endorsed onto this communication. The minutes of the meeting are enclosed as Annexure 1 for your ready reference and may be shared with the CPCB Expert Committee.

The stakeholders at the meeting held on November 19, 2020, discussed various issues confronting the different stakeholders of the case along with possible solutions that can be suggested to CPCB and NGT. The stakeholders essentially discussed a common sustainable mechanism that would be implemented as proposed by CRWC in compliance with the NGT order. The concerned Cement Companies are particularly thankful to Mr Grover, Managing Director, CRWC, for offering a practical solution by taking the responsibility for arranging regular health check ups and other actions to protect the occupational health of the labourers working at the CRWC siding. Mr Grover, however, sought the help of the concerned cement companies involved in the case in terms of financial support through CSR or otherwise. The concerned CMA Member Cement Companies subsequently informed CMA that it be communicated to CPCB that they are willing to consider the CRWC request basis usage of the facility by individual companies. The Cement Companies have indicated that they will approach CRWC shortly to work out the modalities of implementation for the indicated proposal.

Cont'd../2



**CEMENT
MANUFACTURERS
ASSOCIATION**

This is for necessary information and records.

With kind regards,

Yours sincerely,

Aparna Dutt Sharma

Enclosure: 1

Copy to

- Dr Manoj Singh
EDTT/F, Railway Board
New Delhi
- Mr H S Bajwa
CFTM, Northern Railways
New Delhi
- Mr Narendra Kumar Grover
Managing Director
Central Railside Warehouse Company Limited
New Delhi
- Mr B Sridhar
Managing Director and CEO
ACC Limited
Mumbai
- Mr Neeraj Akhoury
CEO India, LafargeHolcim
Managing Director & CEO
Ambuja Cements Limited
Mumbai
- Mr K C Jhanwar
Managing Director
UltraTech Cement Limited
Mumbai



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

Speed post

F. No: AQM/NGT-533/Shakurbasti/2019-20

December 18, 2020

To:
As per list

Sub: Submission of final Action plan in compliance of Hon'ble NGT order dated 23.06.2020 in O.A. NO. 533/ 2019: Anubhav Kumar Vs Union of India - reg
Sir,

This is in reference to CPCB letter dated 11.11.2020 directing cement companies to submit revised action plan to educate and protect the health of workers employed for the cement handling operations on the recommendations of the Expert Committee.

As per communication dated 20.11.2020 received from Cement Manufactures Association (CMA), it was indicated that the issue raised by cement companies (M/s ACC, M/s Ambuja and M/s Ultratech) regarding modalities for the preparation and implementation of action plan will be resolved with the CRWC.

You are hereby directed to submit the final action plan based on the recommendations of Expert Committee to CPCB by 24.12.2020.

Further, Expert Committee had already recommended to get the test of already engaged workers done after the Covid-19 pandemic is settled which was duly considered by the Hon'ble NGT and is mentioned in the order dated 23.06.2020 (copy of the order enclosed).

Yours faithfully,



(P.K. Gupta)

DH-AQM Division

Enclosed: As Above

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032
दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

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Submission of final action plan in compliance of Hon'ble NGT order dated 23.06.2020 in O.A. No. 533.2019: Anubhav Kumar vs Union of India reg.

From : CPCB K AQM Div <aqm.cpcb@gov.in>

Fri, Dec 18, 2020 05:47 PM

Subject : Submission of final action plan in compliance of Hon'ble NGT order dated 23.06.2020 in O.A. No. 533.2019: Anubhav Kumar vs Union of India reg.

2 attachments

To : acc <acc@ethicalview.com>, sanjeevk sharma <sanjeevk.sharma@acclimited.com>, rajiv choubey <rajiv.choubey@acclimited.com>, corporate communications <corporate.communications@ambujacement.com>, sameer khashu <sameer.khashu@ambujacement.com>, sushil pathak <sushil.pathak@adityabirla.com>, kvijender reddy <kvijender.reddy@adityabirla.com>**Cc :** Ashutosh Gangal <gm@nr.railnet.gov.in>, srdcmfreightdli <srdcmfreightdli@gmail.com>, dyccmfreight <dyccmfreight@gmail.com>, Neeraj Sharma <cpro@nr.railnet.gov.in>, pamd <pamd@crwc.in>, contact <contact@crwc.in>, tmgr ssb <tmgr.ssb@crwc.in>, P K GUPTA ADDITIONAL DIRECTOR <pkgupta.cpcb@nic.in>, Ankush Tewani <ankush.cpcb@nic.in>

Sir/Madam,

Please find enclosed CPCB letter dated 18.12.2020 regarding above mentioned subject.

Regards,
PA to Head AQM,
CPCB, Delhi

 **23 june 2020.pdf**
308 KB **cement company 18dec.pdf**
310 KB



सैन्ट्रल रेलसाइड वेअरहाउस कम्पनी लिमिटेड
(भारत सरकार का उद्यम)

CENTRAL RAILSIDE WAREHOUSE COMPANY LIMITED

(A Govt. of India Enterprise)

सीआईएन : यू63023डीएल2007पीएलसी165676

CIN:U63023DL2007PLC165676



मिनी रत्न
Mini Ratna PSU



No. CRWC/NGT/20-21/2041

Date: 24.12.2020

To,
Head AQM,
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar
Vishwas Nagar, Delhi, 110032

Sub: Submission of revised action plan for works health and education by cement companies-
M/s ACC, Ambuja & Ultra Tech.

Ref: CRWC letter dated 19.11.2020.

Sir,

1. This is with reference to CPCB's letter dated 18.12.2020. We wish to inform that cement unloading operations being done by CRWC through our service provider M/s. GS & Company who engage labour for unloading operations, they have already got their revised action plan for worker's health and education approved by CPCB and the same is being implemented by them.
2. M /s. Wonder Cement and M/s. Mangalam Cement have already submitted their action plan to CPCB for its approval for their implementation on ground.
3. The cement companies who are yet to submit their plan of action are Lafarge Holcim Group Companies i.e M/s. ACC Cement and M/s Ambuja Cement. These cement companies have stopped utilizing CRWC warehouse since 01.10.2020 and 19.09.2020 respectively and as informed by them that any resumption of operations at CRWC's terminal at Shakurbasti is unlikely in the near future. So, CRWC is not responsible for conducting labour's health and education program for labours engaged by them for their labour used in loading operations and they need to comply with the orders of CPCB.
4. M/s Ultratech Cement have not been using the facility of CRWC at RWC Shakurbasti and were using the facility of Railways at sidings no.1.

CRWC has complied all the orders of CPCB and has also paid the environment compensation levied on it in time.

The above is submitted for your kind information.

Yatin Patel

Yatin Patel

DGM - Commercial

पंजीकृत एवं कॉर्पोरेट कार्यालय: भूतल प्रगति मैदान मेट्रो स्टेशन बिल्डिंग, नई दिल्ली-110001, दूरभाष: 011-23480120, फैक्स: 011-23379434

Reg. & Corp. Office: Ground Floor, Pragati Maidan Metro Station Building, New Delhi-110001, Ph. 011-23480120 (PBX), Fax: 011-23379434