

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

Original Application No. 231/2019

In the matter of:

Ch. Karam Singh

...Applicant

Versus

Govt. of NCT of Delhi.

...Respondents

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Filed by:

(Delhi Pollution Control Committee)
Respondent

New Delhi:
Dated: 7.09.2021

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**ACTION TAKEN REPORT ON BEHALF OF DELHI
POLLUTION CONTROL COMMITTEE WITH RESPECT
TO ORDER DATED 29.10.2020.**

1. That this Hon'ble Tribunal took up the above referred matter on 29.10.2020 and was pleased to direct to take action for installation of Mobile Tower in Gali No. 7, on the roof top of house no. 245/95, East School Block, Mandawali Fazalpur, Delhi – 110092.
2. That in compliance of the order of Hon'ble National Green Tribunal, Delhi Pollution Control Committee (DPCC) issued a letter dated 09.11.2020 to Department of Telecommunication, Government of India as they are the competent authority to take appropriate action in present case. It was also requested vide said letters to submit an Action Taken Report.

3. That, the Department of Telecommunication, Government of India on 02.12.2020 provided its action taken report to DPCC interalia mentioning that information from Infrastructure Providers/ Telecom Service Providers regarding this site. They have been informed that site belongs to Indus Towers Limited and BTS of M/s. Bharti Airtel Limited and M/s Vodafone Idea Limited are radiating on this tower. This office measured the radiation level at this site and it was found within the safe limits prescribed by DoT. Copy of the letter dated 02.12.2020 received from Department of Telecommunication, Government of India is enclosed herewith as Annexure-1.

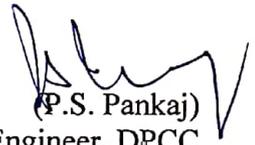
4. That, This Hon`ble Tribunal in OA No. 78 of 2014 entitled as, "Senior Citizen Welfare Association (Regd.) Vs Union Of India and Others" vide its judgment dated 10.12.2015 hold that, mobile tower etc. are not covered under the purview of the Environmental Acts.

5. That, it is most respectfully submitted that activity of mobile tower are not covered under the purview of the Water (Prevention and Control of Pollution) Act, 1974 or under Air (Prevention and Control of Pollution) Act, 1981.

6. That the purpose of The Air Act of 1981 is to prevent, and control air pollution including noise pollution and preserve air quality. In order to achieve its goals the act empowers the CPCB and SPCB and defines their functions. An important function of the CPCB is to establish standards for the ambient air quality. Important functions of the SPCB

include setting standards for the emission of air pollutants into the atmosphere from industrial plants and automobiles. Such standards also consider the ambient air quality standards laid down by the CPCB.

The present status report may kindly be taken on record.


(P.S. Pankaj)
Env. Engineer, DPCC

Annexure-L



Government of India
Ministry of Communications
Department of Telecommunications
O/o Sr. DDG, Delhi LSA
5th Floor, MTNL Telephone Exchange Building, Nehru Place, New Delhi-110019
(Compliance Vertical)

No. 59-8/TERM D/Compliance/2020-21

Dated: 02-12-2020

To,

Sh. P. S. Pankaj,
SEE, CMC-I
Delhi Pollution Control Committee
5th Floor, ISBT Building, Kashmere Gate, Delhi-06

Subject: Ch. Karam Singh Vs. Govt. of NCT of Delhi

Reference: Your letter no. DPCC/CMC-I/NGT/2020/5503 dated 09-11-2020.

Your attention is invited to above referred letter on above mentioned subject. This office asked the information from Infrastructure Providers/ Telecom Service Providers regarding this site. It is informed that the site belongs to Indus Towers Limited and BTS of M/s. Bharti Airtel Limited and M/s. Vodafone Idea Limited are radiating on this tower.

This office measured the radiation level at this site and it was found within the safe limits prescribed by DoT.

DoT's view on Electromagnetic Emission from Towers is attached herewith for your reference. Matter regarding illegal construction and encroachment are dealt by Municipal Corporations and Local Bodies.

(Signature)
(Kamal Deo Tripathi)
ADG(C-1)
02/12/20

Annex: As above

DoT's view on Electromagnetic Emission from Towers

As alleged health effects of Electro-Magnetic Field emissions from mobile towers are concerned, it is stated that several studies have been conducted in different countries, under the aegis of World Health Organization (WHO) on the possible health effects from Electromagnetic Field Radiation (EMR) exposure from diverse EMR sources especially Mobile Base Transceiver Station (BTS) antennae and mobile. World Health Organization (WHO) has referred to approximately 25000 articles published around the world over past 30 years and based on an in-depth review of scientific literature, has concluded: "Current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields." For regulating the EMF emissions from a mobile tower, Department of Telecommunications has prescribed stricter precautionary norms for exposure limit for base station emissions, which is ten times more stringent than that of the existing limits prescribed by International Commission on Non-Ionizing Radiation Protection (ICNIRP). EMF radiations from a mobile tower which are below the safe limit prescribed by ICNIRP and recommended by World Health Organization have no convincing scientific evidence of causing adverse health effects.

2. Further, Government of India has also put in place a well-structured process and adequate mechanism to ensure that Telecommunications Service Providers strictly adhere to these prescribed norms. All new mobile BTS sites start radiating commercially only after ensuring adherence to prescribed norms and after submission of certificate to this effects to concerned License Service Area (LSA) field units of DoT. Additionally, TSPs are also required to submit the self-certificate in case of any up gradation changes. These self-certificates, required to be submitted by TSPs, provide information in detail, which are based on physical measurement, well defined and accepted calculations and include various data/photographs taken on site. The data provided is verifiable and unique for the site so as to ensure its correctness. These self-certificates are further scrutinized by field units for their correctness.

3. State Government, Municipal Corporation, Local Bodies regulate the installation of Towers as per their Building Bye-Laws. In this regard an advisory guideline for state governments for issuance of clearance for installation of mobile towers has been issued by Departments of telecommunications. Detailed information on Tower Policy and EMF related concerns has been provided in public domain and is available on DoT website <http://www.dot.gov.in/journey-emf> and <https://tarangsanchar.gov.in/EMFPortal/Home>. One can also check the latitude/longitude, level of emission, information on shared BTSs and compliance to DoT norms etc. of a tower on the website <https://tarangsanchar.gov.in/EMFPortal/Home>. One can also find question and answer in this regard on above mentioned webpage.

4. Keeping the precautionary EMF safe exposure limits for the Radio Frequency Field (Base Station Emissions) as $1/10^{\text{th}}$ of the safe limits prescribed by ICNIRP for all areas in India, eliminates the need for fixing lower limits for specific areas like schools, hospitals, residential premises, children playgrounds; a segregation of which is impractical in densely populated localities.

5. In case one wants a site to be tested for EMF radiation, it can be done by logging into "TARANG SANCHAR" portal and paying a nominal fee of Rs. 4000/- only. All the relevant details are available on this portal.