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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O.A. NO. 681 OF 2018

NEWS ITEM PUBLISHED IN THE TIMES OF INDIA
AUTHORED BY SHRI VISHWA MOHAN
TITLED
"NCAP WITH MULTIPLE TIMELINES TO CLEAN AIR IN
102 CITIES TO BE RELEASED AROUND AUGUST 15"

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Dhury
Singh

Gigi.C. George, Adv

Email. → gigi.cgeorge.adv42@yahoo.in

M.No - 98999 55703

NATIONAL GREEN TRIBUNAL
Principal Bench, New Delhi
Filing Section
Dairy No. 454/20
05 MAR 2020
Fee..... IPO/DD/ONLINE
Signature of Receiving Officer

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**“NCAP WITH MULTIPLE TIMELINES TO CLEAN AIR IN
102 CITIES TO BE RELEASED AROUND AUGUST 15”**

**STATUS REPORT BY WAY OF AFFIDAVIT ON BEHALF
OF THE MINISTRY OF ENVIRONMENT, FOREST AND
CLIMATE CHANGE, NEW DELHI.**

I, Sudheer Chintalapati S/o Shri. Mohanrao Chintalapati, aged about 36 Years, presently working as Scientist D in the Ministry of Environment, Forest and Climate Change (hereinafter referred to as MoEF&CC) having office at Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003, do hereby solemnly affirm and state as hereunder:

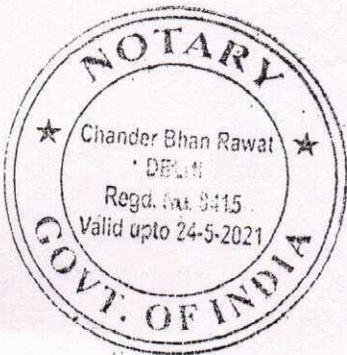


Sudheer
(डा. सुधीर चिंतालापाटी)
(Dr. SUDHEER CHINTALAPATI)
वैज्ञानिक 'डी' / Scientist 'D'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. of Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

1. That, I am well acquainted with the facts and circumstances of the case and competent to swear this affidavit on behalf of MoEF&CC being one of the Respondent in the present Original Application.

2. That the Answering Respondent is engaged in, *inter alia*, policy formulation for abatement, control and prevention of pollution and prescribing environmental standards to be implemented through the Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs).

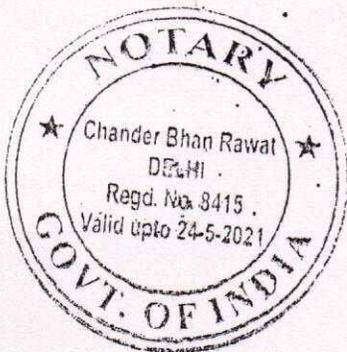
Besides, the concerned State Pollution Control Boards/Pollution Control Committees are empowered to take all such measures as are deemed necessary or expedient for the purpose of protection and improving the quality of environment as well as prevention, control and abatement of environmental pollution.



Sudheer Ch.
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 (Dr. SUDHEER CHINTALAPATI)
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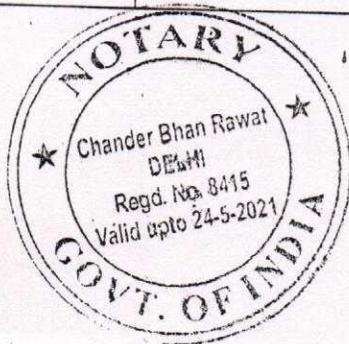
3. That this Hon'ble Tribunal vide its order dated 06.08.2019 and 20.11.2019 passed certain directions with respect to this Ministry.
4. It is submitted that to review the target reduction under the National Clean Air Programme, a meeting was convened with the experts by CPCB under the Chairmanship of Dr. Rakesh Kumar, Director, NEERI.
5. That the Committee upon perusal of the global experiences highlighted the fact that internationally, actions had been city specific rather than country oriented and accordingly statistics indicate reductions with regard to PM 2.5 and PM 10 concentrations.

The table indicating the statistics with regard to reduction in PM 2.5 and PM 10 concentrations in other countries is as below:



Sudheer Ch
 (डा. सुधीर चिन्तालपति)
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 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
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CITY, COUNTRY	HIGHEST CONCENTRATION	REDUCTION IN PERCENTAGE	TIMEFRAME
Beijing, China	PM 2.5 > 100ug/m	40% (to < 60 ug/m3)	5 years (2013-2017)
Mexico city, Mexico	PM 10 > 180ug/m3	73% (to 48 ug/m3)	25 years (1990-2015)
Santiago, Chile	PM 2.5 > 54ug/m3	61% (to 21 ug/m3)	22 years (1989/90-2011/12)
Seoul, South Korea	PM 2.5 > 40ug/m3	35% (to 26 ug/m3)	5 years (2002-2008)
Ulan Batar, Mongolia	PM 2.5 > 250ug/m3	64% (to 90 ug/m3)	6 years (2009-2015)
Bangkok, Thailand	PM 10 > 85ug/m3	(to 40 ug/m3)	13 years (1997-2010)



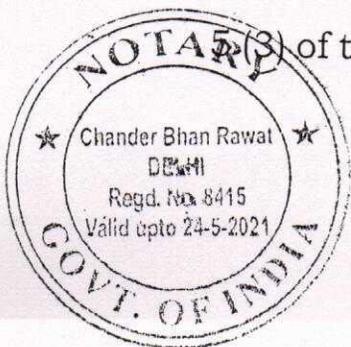
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(Dr. SUDHEER CHINTALAPATI)
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6. The Committee upon further detailed deliberations concluded that 20-30% pollutant reduction under NCAP seems realistic. However, in order to assess impact of technological and policy interventions on air quality levels, a mid-term nationwide review with the help of identified technical experts may be conducted and targets can be updated, if required.

7. That the Respondent Ministry in compliance of the directions of this Hon'ble Tribunal issued a letter to all the SPCBs/PCCs of the Non-attainment Cities wherein the concerned SPCBs/PCCs were requested to submit the compliance report with respect to the Source Apportionment Studies and Carrying Capacity.

A copy of the letter dated 14.01.2020 is annexed herewith as **ANNEXURE R/1**.

8. That it is further submitted that as per Rule 5 (2) and (3) of the Compensatory Afforestation Funds (CAF) Rules,



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 वैज्ञानिक 'डी'/Scientist 'D'
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
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2018, the monies received towards Net Present Value (NPV) deposited in the State Funds can be used for activities for Forest and Wildlife Management. These activities include artificial regeneration. It may also be noted that there are two specific activities which can be undertaken on non-forest land as per CAF Rules, 2018. These activities are mentioned in Rule 5 (2) (j) and Rule 5 (3) (j) of the CAF Rules, 2018. Rule 5 (2) (j) permits planting and rejuvenation of forest cover on non-forest land falling in wildlife corridors. Similarly Rule 5 (3) (j) permits production and distribution of quality planting material through certified nurseries at subsidized price for promotion of trees outside forest on government lands promoted by the State Governments. Thus, it is evident from the provisions given under Rule 5 (3) (k) that the activities referred to in Sub Rule (2) and (3) are to be undertaken in the forest land under the administrative control of respective Forest Department of the State Governments. Thus, the States may utilize a part of the CAMPA funds for special afforestation drive in the forest land under the administrative control in the non-



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वैज्ञानिक 'डी'/Scientist 'D'
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attainment cities following due procedure as per the CAF Act, 2016.

9. In view of the above submissions, this Hon'ble Court may pass such order(s) as deemed fit and proper in the facts and circumstances of the case.

Signature of Deponent who has been put in my presence.

Sudheer Ch

DEPONENT

(डा. सुधीर चिंतालापाटी)
(Dr. SUDHEER CHINTALAPATI)
वैज्ञानिक 'डी'/Scientist 'D'
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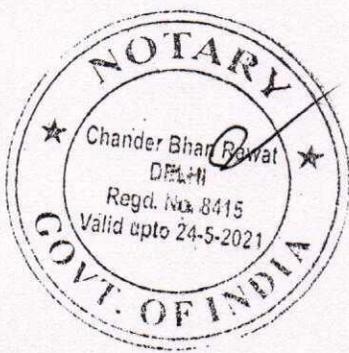
VERIFICATION:

Verified at New Delhi on the 05 MAR 2020 of March, 2020 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been suppressed or concealed therein.

Sudheer Ch.

DEPONENT

(डा. सुधीर चिंतालापाटी)
(Dr. SUDHEER CHINTALAPATI)
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Govt. of India, New Delhi



3589

IDENTIFIED THAT THE DEPONENT
Shri/Smt/Km.....
S/o, W/o, D/o.....
Identified by Shri/Smt.....
has solemnly affirmed before me at Delhi
on..... at Sl. No.....
that the contents of the affidavit which have
been read and explained to him are true
and correct to his knowledge.

CHANDER BHAN BAWA
Notary Public, Delhi

ANNEXURE R/1

Court Matter

Q-18011/65/2019
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
(CP DIVISION)

3rd Floor, Prithivi Wing,
Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi-110003
Dated: 14th January, 2020

To,
Member Secretaries of SPCBs
(102 non-attainment cities)

Subject: Submission of Compliance Report by States w.r.t. Hon'ble NGT order dated 20.11.2019 in O.A. 681 of 2018 in respect of National Clean Air Programme (NCAP) - reg.

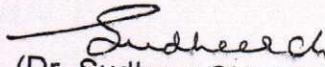
Sir,

The matter herein pertains to the Hon'ble NGT order dated 20.11.2019 in the matter of: News item published in The Times of India Authored by Shri Vishwa Mohan titled as "NCAP with multiple timelines to clear air in 102 cities to be released around August 15" pending before the NGT, New Delhi.

2. The said NGT order had directed that Source Apportionment Studies and carrying capacity should be completed within 3 months by SPCBs/PCCs utilizing the data available, based on which the Ministry may take up follow-up action in terms of regulating the number of vehicles, action in terms of shift to e-vehicles and CNG vehicles, intensifying public transport system, mechanical cleaning of roads, enhancement of public parking facilities, etc., improvement in fuel quality and traffic management, regulation of construction activities, strict adherence to sitting guidelines with regard to stone crushers, mining, brick kilns, thermal power plants, coal handling, air polluting industries, hot mix plants, etc. Besides, activities like crop burning and burning of trash wood/leaves/debris for heating in winters are to be strictly regulated and violations penalized as has been done by notifications of ESZ, CRZ, Ganga Flood plains, etc. SPCBs/PCCs may furnish action taken report to CPCB so that CPCB can file an appropriate report before the Tribunal. For any default, compensation will be liable to be paid @ of Rs. 5 lakh per month after 01.04.2020. Failure may also be reflected in the ACRs of the Members Secretaries of SPCBs/PCCs. MoEF&CC may file compliance report before the next date.

3. The next date of hearing before the NGT for the above matter is 08.03.2020. In this regard, it is requested to kindly submit to this Ministry, the latest Compliance Report with regard to the aforesaid matter, at the earliest.

This may kindly be treated as most urgent.


(Dr. Sudheer Chintalapati)
Scientist D

Copy to
1. The Member Secretary, CPCB, New Delhi

O/C issued
15/01/2020