

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

IN O.A. 298 OF 2023

IN THE MATTER OF:

Dr. Raja Singh

.....Applicant

Vs.

Union of India, Through the Secretary, Ministry of Environment,
Forests and Climate Change and Ors.

.....Respondents

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Response by the applicant to Additional Study Report of the Expert Committee placed by R1-MoEFCC dated 21.02.2025 praying for directions of the Hon'ble National Green Tribunal for phasing out asbestos roofing in schools under Air (Prevention and Control of Pollution) Act 1981 read along with Environmental Protection Act, 1986 and read along with Precautionary Principle as in Section 20 of the National Green Tribunal Act, 2010.

The humble applicant Most Respectfully Showeth:

1. That, in Order dated 24.03.2025, the Hon'ble National Green Tribunal had directed as follows:
 - '2. *Additional study report dated 21.02.2025 has been filed by MoEF&CC by way of affidavit of Joint Secretary, MoEF&CC.*
 3. *Applicant seeks time to file his response to above said report.*

4. Response to the above said report may be filed by the applicant within one month.'

2. That, at the outset, the humble applicant reiterates that this matter is non-adversarial in nature and linked only to the non-occupational exposure to asbestos in schools and phasing out of asbestos cement roofs in schools in larger public interest and in good faith for health and well-being of children who are a vulnerable section of the society. It is not about any banning, especially of asbestos in general in India.
3. The humble applicant has already placed Response to report of the Expert Committee on 19.02.2025 , and this current response is to the Additional Study report filed late by the MoEF&CC on 21.02.2025.
4. That this response supplements/complements the already filed Response to the Expert Committee dated 19.02.2025 filed by the applicant. The response already made is not repeated for the sake of brevity but may also be kindly considered by the Hon'ble Tribunal.

**NON-SIGNING OF THE ADDITIONAL STUDY REPORT BY
THE REPRESENTATIVE OF THE NATIONAL INSTITUTE
OF CANCER PREVENTION AND RESEARCH UNDER
ICMR.**

5. That the applicant, while assisting the Hon'ble Tribunal, wishes to bring to notice that in the additional report filed on 21.02.2025, **the representative of the National Institute of Cancer Prevention and Research under ICMR has not signed the additional report.** (See Running page 1804). The NICPR representative was a signatory of the first report dated 13.12.2024 (Running Page number 1739) and had placed on record the statement about asbestos that *'the world over its use is being discouraged, and many counties are banning its use because of its health hazards'* (running page 1738). Though banning of asbestos is not an issue in this current matter (and the current matter is only about phasing out its use in schools), yet being an expert institute on Cancer Prevention, the need for the opinion of its head, even in the additional study report, may be important for adjudication in this matter.

NO SAFE LIMIT OF ASBESTOS FOR CANCER

6. That asbestos is an issue directly related to the causation of cancer as a Group 1 carcinogen and the issue of no safe limit of asbestos has been reiterated in multiple submissions including those made by R4. These are:
- a. In the document submitted by Respondent No. 4 itself titled 'Environmental Health Criteria 203: Chrysotile Asbestos', in its recommendation section, it has been clearly mentioned that '***No threshold has been identified for carcinogenic risks***' (Running Page 1543, Point 10, a).
 - b. The joint expert committee in report dated 13.12.2024 has already submitted that '***It is true that even low dose exposure to asbestos can result in a disease***' after several years (Running Page 1738)
 - c. In the previous asbestos related judgment by this Hon'ble Tribunal (*In OA 649/2022 Narender Pratap Singh vs CPCB & Ors dated 17.07.2023*) it was observed that there is no safe level of asbestos exposure.

RELIANCE ON THE SRI LANKAN STUDY WITH ISSUES HIGHLIGHTED.

7. That the applicant wants to assist this Hon'ble Tribunal respectfully and humbly by stating that the Expert Committee, which did not do any study on its own, has relied upon a non-Indian study from Sri Lanka in report dated 13.12.2024. The said study has also been earlier relied upon by Respondent No. 4 in Sur-rejoinder by R.4 dated 17.09.2024. The study is titled 'Air Quality Study on Concentrations and Significance of Chrysotile Asbestos Fiber in Household Ambient Environment in Sri Lanka' (Located on Running pages 1389-1478)
8. That, the issues related to the said Sri Lankan Study were highlighted by the applicant in Response to the sur-rejoinder of R4 dated 18.11.2024 (running pages 1711-1713). The main issues that have been highlighted before by the applicant are briefly repeated and reiterated below:
 - a. The said Sri Lankan study did not consider medical investigations and has only looked into the level of asbestos in the air, unlike the NIOH study that was earlier relied upon by MoEF&CC (In affidavit dated 24.09.2024 running pages 1590 onwards)

- b. The said Sri Lankan study does not consider the latency period of asbestos related diseases, especially cancers like mesothelioma which take decades to manifest.
- c. Most importantly, the study does not clearly mention whether weathering and degrading sheets were considered or the asbestos sheets under the study were mostly new.
- d. The study does show release of asbestos fibres in the indoors and further the study recommends inclusion of asbestos in air quality standards and in air quality monitoring programs (Running page 1450-1451).

EXCLUSION OF ASBESTOS ROOFING IN NDMA, GOVERNMENT OF INDIA'S LIST OF ROOFING AGAINST HEATWAVE ACTION.

- 9. That, the Expert Committee has mentioned about the cost and heat resistant properties of asbestos cement roofing. It must be reiterated that the Government of India, Ministry of Home Affairs through its National Disaster Management Authority has come up with 'House Owner's Guide to Alternate Roof Cooling Solutions' where 16 techniques (which can work for schools), have been used against heatwave action. This has

already been placed on record (running pages 1078-1112).

This guide by the government of India focused on heat resistance of roofing and does not include asbestos cement roofing.

PERMISSIBLE NON-OCCUPATIONAL LIMIT OF ASBESTOS

IN AIR

10. That the expert committee in its Additional Study Report dated 21.02.2025 has used 0.1 fibres/cc as the permissible levels of asbestos in the air (industrial occupational limits). But the said Sri Lankan Study which has been relied upon not only by the Expert Committee but also by R.4, clearly brings forward the non-occupational standards for asbestos of 0.0009 fibres/cc. (on running page 1437 -Table 4.1). Further, it may be humbly noted that even for occupational exposure (since the committee has relied upon occupational levels for non-occupational use case), some countries have standards as low as 0.001 fibres/cc. For the sake of asbestos in soils, the Indian standard of 10000 mg per kg may also be updated as in many countries with standards like 100 mg per kg.

UNFORTUNATE POSTPONEMENT OF CREATION OF

UPDATED STANDARDS FOR ASBESTOS FOR INDIA

11. That, the Joint Committee, has unfortunately noted in the additional report dated 21.02.2025 that *‘Also, as India progresses and quality of life develops, obviously the standards have to be revisited and revised.’* (Running page 1803). This may possibly indicate that the Joint committee acknowledges and points out that there is some value to human life elsewhere in the world, but in India at this stage the concern for health can be postponed based merely on level of development. The Hon’ble Tribunal is prayed to consider that India is on the pathway to develop and development which takes in health of its people today and focusses on prevention will have a reduced burden on health in the future.

12. That, for the adjudication in this matter, the applicant prays that the Hon’ble Tribunal may kindly refer to the ‘Vision Statement on Environment and Human Health’ by MoEF&CC especially its clause 4.3.1 which is already on record (Running page 1301). The ILO Position on safety in the use of asbestos (running page 1310-1312), for the issues of installation/maintenance may be considered, and any regulation created for the same may be enforceable and not be mere advisory guidelines.

13. That, in *Singrauli Super Thermal Power Station vs Ashwani Kumar Dubey & Ors (Civil Appeal 3856 of 2020)*, the Hon'ble Supreme Court of India has observed in summary that the expert's opinion is only a way of assistance, and the final conclusion may be made keeping all the facts of the matter by the Hon'ble Tribunal. In this regard, the mandate of Precautionary Principle under Section 20 of the National Green Tribunal Act, 2010 be kindly considered by the Hon'ble Tribunal for adjudication of this matter.

PRAYER

Therefore, the humble applicant prays for the following:

1. This response by the applicant to the Additional Study report by R.1-MoEFCC dated 21.02.2025 may kindly be considered and be placed on record.
2. Suitable directions that the Hon'ble Tribunal may deem fit and appropriate may be passed.

For the above, the humble applicant shall forever be grateful.



(Applicant: Dr Raja Singh)

Date: 4th April 2025

Place: New Delhi

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

IN O.A. 298 OF 2023

IN THE MATTER OF:

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AFFIDAVIT

I, Dr. Raja Singh, S/o Sh. Gurmit Singh, aged 32 years, R/o E 205/206, GF, Amar Colony, Lajpat Nagar 4, New Delhi 110024, do hereby solemnly affirm and state as follows:

1. That I am the Applicant in the above captioned document and as such fully conversant with the facts of the present case and hence competent to swear the present affidavit.
2. That I have gone through the contents of the accompanying document and has been drafted by me.
3. That I have understood the meaning thereof and the content of the accompanying document is true and correct to the best of my knowledge.

2/4


DEPONENT

04 APR 2025

Verification

Verified at New Delhi on this ___ day of April 2025 that the contents of the above affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed therefrom.



ATTESTED


Notary Public, Delhi

04 APR 2025


DEPONENT

OA 298/2023 NGT: Proof of Service of Response to Additional Study Report by MoEFCC in compliance of Order dated 24.03.2025

From Dr. Raja Singh <dr.rajasingh@proton.me>

To danubeconsulting@gmail.com, mbalodhi.cpcb@nic.in, bhaskar.chhikara@gmail.com, nazim.cpcb@nic.in, mishra.vp@gov.in

CC Ankit Virmani<ankit@virmani.in>, Hrithik Sharma<hrithik@virmani.in>, office@virmani.in, dheeraj.adv001@gmail.com, Gigicgeorge.adv42@yahoo.in<gigicgeorge.adv42@yahoo.in>, secy.sel@nic.in

Date Friday, 4 April 2025 at 12:48 PM

Before The National Green Tribunal
Principal Bench at New Delhi

In the matter OA 298 of 2023
Dr Raja Singh vs Union of India & Ors

Subject: Proof of Service of Response by applicant to Additional Study Report by MoEFCC in compliance of Order dated 24.03.2025.

Most Respectfully,

In Order dated 24.03.2025, the Hon'ble National Green Tribunal had directed as follows:

'2. Additional study report dated 21.02.2025 has been filed by MoEF&CC by way of affidavit of Joint Secretary, MoEF&CC.

3. Applicant seeks time to file his response to above said report.

4. Response to the above said report may be filed by the applicant within one month.'

In compliance of the above order, please find attached Response to the Additional Study Report dated 21.02.2025 which is being served to you.

Kindly confirm the receipt of the same.

Thanks and regards,

Dr Raja Singh

574.12 KB 1 file attached

response_04april2025_oa298-23_aff.pdf 574.12 KB