

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
ORIGINAL APPLICATION NO. 65 OF 2021

IN THE MATTER OF:

SARANG YADWAKAR

...APPLICANT

VERSUS

STATE OF MAHARASHTRA & ORS

....RESPONDENTS

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THROUGH



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SUBMISSION ON BEHALF OF THE APPLICANT

MOST RESPECTFULLY SHOWETH:

1. The above mentioned Application was filed by the Applicant before this Hon'ble Tribunal under Section 14 read with Section 20 of the National Green Tribunal Act, 2010 (*hereinafter "NGT"*) raising the substantial question related to environment arising out of failure of Central Pollution Control Board (*hereinafter 'CPCB'*) in formulating guidelines for preparation of State Action Plans by 2019 as per the National Clean Air Programme (*hereinafter "NCAP"*), failure of State Pollution Control Boards ('SPCB') of Maharashtra, Gujarat and Goa in preparing 'Preliminary State Action Plan for Air Pollution' by 2020 as envisaged in the National Clean Air Programme ("NCAP"), and also failure of CPCB, MoEF & CC to come up with template within specified timeline as per the NCAP mandate.
2. That the National Clean Air Programme is a national-level strategy launched by the Ministry of Environment, Forests, and Climate Change ("MoEFCC") in 2019. It formulated goals to improve the air quality at both regional and urban scale in India. NCAP emphasizes on comprehensive mitigation strategies, as well as envisages augmenting and strengthening an effective ambient air quality monitoring network across the country. Furthermore, NCAP states the

mitigation actions and their stringent implementation for prevention, control and abatement of air pollution. One such action is the collaborative and participatory approach involving State Governments, Local bodies, relevant Central Ministries and other Stakeholder forming the crux of the programme, and accordingly, mandates that CPCB along with MoEFCC is to formulate guidelines for the preparation of State Action Plans ("SAP") by 2019 and thereafter each State Pollution Control Board and State Government is to formulate and implement "SAP" by 2020. That despite these stated objectives, CPCB, MoEFCC, SPCBs as well as every State Governments have failed in formulating and implementing the SAP within the stipulated timeframes, i.e., by 2019 and 2020 respectively

3. That on 19.01.2023, the day of hearing of the matter in ***Sarang Yadwakar v. State of Maharashtra & Ors O.A 65 of 2021***, the Hon'ble Tribunal observed a similar matter on monitoring air quality was dealt by the principal bench in O.A 681 of 2018 and directed the Applicant to convince the Hon'ble Tribunal the need to file a separate original application. The order dated 19.01.2023 at Para 6 observed the following:

*Judgment would also reveal that a High Level National Task force has also been constituted and periodical reports are being called for. It appears that several directions which the Applicant wants to be issued by us in the present case, have already been issued and monitoring is also being done. Therefore, **we direct the learned Counsel for the Applicant to convince us, as to what is the need to file the separate Original Application as the matter is already being considered at Pan India Level, by the next date.***

4. That at the outset, it is submitted by the Applicant that O.A 681 of 2018 is not on the same subject matter as that of O.A 65 of 2021 that the Applicant has filed. Furthermore, the Hon'ble Principal Bench has specifically recorded that this order in O.A 681 of 2018 will not affect or impede the other directions of Hon'ble Tribunal in other zones. The relevant portion of the order dated 08.10.2018 in O.A 681 of 2018 is reproduced below:

*"17. We understand that some of the Zonal Benches of the National Green Tribunal have also passed directions on the subject of Ambient Air Quality and the States in those Zones are in the process of implementation of such directions. Specific reference may be made in this regard to judgment dated 11.08.2016 in O.A No. 33/2018/EZ in the matter of Subhas Datta v. State of West Bengal & Ors. **We make it clear that this order shall not be considered as an impediment to those actions but as an addition or supplement thereto for achieving the object of this order at the macro level and of the said order at the micro level in the concerned cities.**"*

The copy of the order dated 08.10.2018 in O.A 681 of 2018 is attached herewith as **Annexure A6**

Therefore, it is very much clear from the order dated 08.10.2018 in O.A 681 of 2018 that any application in other benches can also be heard. However it is submitted that the present application filed by the Applicant i.e O.A 65 of 2021 is of different subject matter to O.A 681 of 2018 and the Hon'ble Tribunal may hear the application without causing prejudice to the present original application. The Applicant is clarifying the following points as per Hon'ble Tribunal's direction dated 19.01.2023.

5. That the O.A 65 of 2021 titled "***Sarang Yadwakar v. State Of Maharashtra & Ors***" filed by the Applicant is challenging the inaction of the State Governments and the State Pollution Control Boards to come up with 'Preliminary State Action Plan' as per the mandate under the National Clean Air Programme (NCAP). As per the Chapter 7 mitigation Action (**Pg 50 @68-69 of the OA 65 of 2021**), there are two action plans proposed under the NCAP, a City Specific Air Quality Management Plan for 102 non-attainment cities (**7.6 @Pg 68 of the OA 65 of 2021**) and State Action Plan for Air Pollution (**7.7 @Pg 69 of the OA 65 of 2021**). It States as Follows:

7.6 City Specific Air Quality Management Plan for 102 Non-attainment cities

Action Point

- 1. Preliminary city-specific action plans to be formulated for 102 non-attainment cities.**

2. City- Specific action plans to be taken up for implementation by State Government and city administration.
3. City- based clean air action plans are to be dynamic and evolve based on the available scientific evidence, including the information available through source apportionment studies.
4. A separate emergency action plan in line with GRAP for Delhi to be formulated for each city for addressing the severe and emergency AQIs.

7.7 State Action Plan for Air Pollution

- 1. Preliminary State Action Plan for Air Pollution to be formulated for all 23 states which harbor 102 non-attainment cities.**
2. State Action Plan for Air Pollution to be taken up for implementation by State Government and City Administration.
3. The State Action Plan to have detailed funding mechanism

6. That presently there are 131 Non-attainment cities (NAC). The coming up of City Specific Air Quality Management Plan for 131 non-attainment cities and formulation of preliminary State Action Plan for air pollution are two different mandates under the NCAP programme. The Applicant hereby submit that the O.A 65 of 2021 filed by the Applicant emphasis on the formulation of point 7.7 of the NCAP mandate i.e. the formulation of the State Action Plan to mitigate the air pollution. The O.A 681 of 2018 titled "***News Item Published In 'The Times of India' Authored by Shri. Vishwa Mohan Titled "NCAP with Multiple Timelines to Clear Air in 102 Cities to be released around August 15"***" which the Hon'ble Tribunal sought clarification is only limited to the formulation of city- specific action plans of the 102 Non-Attainment Cities (Presently 131 NACs).
7. That the O.A No. 65 of 2021 filed by the Applicant points out the failure of the State Governments, State Pollution Control Boards, MoEF & CC to come up with Comprehensive State Action Plans for the States with non-attainment cities as per the specified timeline **(Appendix VI: NCAP- Agencies and Timelines Pg: 108@121)** mandated under the National Clean Air Programme (NCAP). Whereas,

the O.A 681 of 2018 takes into account of various existing initiatives undertaken by the CPCB, SPCB, MOEF &CC to control and regulate air pollution in the non-attainment cities. For example Graded Response Action Plan (GRAP), Comprehensive Action Plan (CAP), action plans prepared by CPCB to mitigate the air pollution. These initiatives are specific to critically polluted cities to mitigate the air pollution.

8. That in Reply affidavit filed by the Central Pollution Control Board (Respondent No. 6) dated 20.01.2022 in O.A 65 of 2021, a comprehensive template was prepared by CPCB & MoEF &CC. The comprehensive template includes parameters such as Industrial emissions, Vehicular emissions, Construction and Demolition waste and road dust management, emissions from burning of wastes, emissions due to burning of agro residues, house hold emissions. The comprehensive template also includes status of activity, timeline for completion, percentage covered, financial implication, funds allocated, funds utilized. A timeline of November, 30 2021 was given for the respective state governments/ State Pollution control board to fill in an revert back, however none of the State Governments or the State Pollution control boards adhered to this.
9. That having a comprehensive template under the NCAP in itself submits a time bound action programme and vision to mitigate the air pollution, whereas the implementation of city action plans for the Non-attainment cities do not have any comprehensive template but only parameters mentioned to adhere to.
10. That the Applicant submits the following table to distinguish/ clarifies O.A 681 of 2018 filed before the Hon'ble Principal Bench to the O.A 65 of 2021 filed before the Hon'ble Western Bench.

Sl No.	Particulars	O.A 681 OF 2018, is a Suo-motto case taken up by the Hon'ble Principal Bench	O.A. 65 OF 2021 filed before the Hon'ble Western Bench
1	Mandate under the National Clean Air Programme	<p>The Suo-motto case was taken up the Hon'ble Principal bench from a "<i>News Item Published In 'The Times of India' Authored by Shri. Vishwa Mohan Titled "NCAP with Multiple Timelines to Clear Air in 102 Cities to be released around August 15"</i> for the implementation of Point 7.6.1 under the NCAP Mandate i.e. 7.6.1 Preliminary city-specific action plans to be formulated for 102 non-attainment cities.</p> <p>The formulation of Preliminary city-specific action plans is one of the mandate under National Clean Air Programme (NCAP)</p>	<p>The Original Application is filed for the implementation of Point 7.7.1 under the NCAP Mandate i.e. 7.7.1 Preliminary State Action Plan for Air Pollution to be formulated for all 23 states which harbor 102 non-attainment cities.</p> <p>It is a mandate under the National Clean Air Programme (NCAP). A national level strategy launched by the Central Government in 2019, with a goal to improve the air quality at both regional and urban scale in India. NCAP launched with objective to improve air quality in India, and</p>

			reduce PM 2.5 and PM 10 by 30%-40% by the target date of 2024.
2	Issue before the Tribunal	The original application primarily focus on formulation of city specific plans for the non-attainment cities to mitigate the air pollution. (Presently 131 non-attainment cities)	The original application primarily focus on the formulation of a comprehensive State action plan for the mitigation of air pollution.
3	On the aspect of matter dealt in application	The Application deals with various measures undertaken by the state governments for the mitigation of air pollution. It includes Graded Response Action Plan (GRAP), Comprehensive Action Plan (CAP), action plans prepared by CPCB.	The Application deals with the implementation of mandate under the National Clean Air Programme (NCAP)
4	Focus of Action Plans (Cities/Sta tes)	Major focus is on the State Action Plans of 124 non- attainment cities. There are existing city specific mitigation programmes such as Graded Response Action Plan (GRAP), Comprehensive Action Plan (CAP), action plans prepared by CPCB.	Major focus is on 23 States which has at least one non-attainment city to come up with State Action Plan to mitigate air pollution.
5	Parameter s of the Action Plan	There is no particular template issued but approaches the mitigation of air pollution in Non-attainment cities in a general way.	There is a particular template issued by the CPCB and MoEF & CC. (@Pg164). The parameters such as Industrial emissions, Vehicular emissions, Construction and Demolition waste

			and road dust management, emissions from burning of wastes, emissions due to burning of agro residues, house hold emissions have to be studied. It also includes status of activity, timeline for completion, percentage covered, financial implication, funds allocated, funds utilized
6	Stake holders for implementation	The Application also covers remedial action for air pollution in other polluted areas where air quality is poor and also ensures compliance of Noise Pollution under (Regulation and Control) Rules. 2000 (Noise Rules) framed under the provisions of the EP Act. High level National Task force for monitoring constituted to monitor remedial steps to improve the status of air quality in Non-Attainment Cities. To ensure these cities come up with city action plans, and to review and approve.	The Action Plans Involves collaborative and participatory approach involving State Governments, Local bodies, relevant Central Ministries and other Stakeholder forming the crux of the programme, and accordingly, mandates that CPCB along with MoEFCC is to formulate guidelines for the preparation of State Action Plans ("SAP") by 2019 and thereafter

			each State Pollution Control Board and State Government is to formulate and implement "SAP" by 2020.
7	Order passed	<p>08.10.2018 @Para 7</p> <p>Order passed by the Hon'ble Tribunal makes it clear that the order passed in O.A 681 of 2021 will not impede any other petitions or orders passed by the Hon'ble Tribunal at any zones in the subject of air quality management but instead supplements to achieving the object of this order.</p> <p>08.04.2021</p> <p>The final order disposed off with directions to</p> <p>i) Constitute eight member National Task force (NTF) to monitor remedial steps to improve the status of air qualities in Non-attainment cities.</p> <p>ii) NTF to hold quarterly meetings with Chief Secretaries of the concerned states/UTs</p> <p>iii) Monitoring by the NTF with reference to the action plans prepared by the 124 non-attainment cities. NTF can evolve and oversee parameters for inter se ranking of success of remedial action for the 124 non-attainment cities and other polluted areas</p>	<p>Direction is required to be passed by this Hon'ble Tribunal of Western Bench regarding the implementation of comprehensive State Action Plans in the prescribed template by the CPCB & MoEF & CC.</p>

		<p>iv) Consistent with Digital India initiatives may consider setting up and periodically updating National Environment data Grid linked to the State Environment data grids and the District Environment data Grids. It can be further linked to National Air Quality Monitoring Programme (NAMP).</p> <p>v) The Chief Secretaries of all States/ UTs may continue to monitor progress in execution of action plans at State Level with the assistance of monitoring cells and AQMCs.</p>	
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11. That the O.A 61 of 2021 "*Sarang Yadwakar v. State of Maharashtra & Ors*" is seeking implementation of comprehensive State Action Plan for the mitigation of air pollution which is different subject matter of the National Clean Air Programme and therefore is entirely different from the O.A 681 of 2018 "*News Item Published In 'The Times of India' Authored by Shri. Vishwa Mohan Titled "NCAP with Multiple Timelines to Clear Air in 102 Cities to be released around August 15"*"
12. Therefore in the light of submissions made above by the Applicant, the prayer in the Original Application 65 of 2021 may be allowed.

THROUGH



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BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 681 of 2018

IN THE MATTER OF:

News Item Published In 'The Times of India' Authored by Shri. Vishwa Mohan
Titled
"NCAP with Multiple Timelines to Clear Air in 102 Cities to be released around
August 15"

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Dated: 08th October, 2018.

ORDER

1. Proceedings in this matter have been initiated on the basis of a newspaper item dated 03.08.2018 in the Times of India under the heading "*NCAP with multiple timelines to clean air in 102 cities to be released around August 15*"¹. According to the news item, the National Clean Air Programme (NCAP) proposes to reduce pollution in 102 cities where standards of air pollution are in excess in the next 10 years- 35% in next 3 years, 50% in next 5 years and 70-80% in next 10 years.
2. The question that arises for consideration is whether the timeline of 10 years for bringing down pollution levels is in accordance with the mandate of law requiring pollution free environment especially when there is imminent threat to human health as a result of such pollution. According to a survey, 15,000 persons died prematurely in Delhi in the year 2016. Delhi was ranked as third in the list of cities reporting most deaths due to air pollution. Premature deaths in

¹ <https://timesofindia.indiatimes.com/india/ncap-with-multiple-timelines-to-clean-air-in-102-cities-to-be-released-around-august-15/articleshow/65254122.cms>

Mumbai, Kolkata, Bangalore and Chennai are reported to be between 5,000-10,000 in 2016.²

3. 102 cities have been identified as 'Non-attainment cities'. Non-attainment city is the one which does not meet the National Ambient Air Quality Standards (NAAQS). The said standards are prescribed under Section 16 (2) (h) of Air (Prevention and Control of Pollution) Act, 1981, (Air Act, 1981) vide Notification dated 18.11.2009 by the Central Pollution Control Board (CPCB).
4. Serious concerns have been expressed in the last four decades about the need to restore the standards of the air quality, in view of the adverse effect of air pollution on public health. Section 20 of the Air Act, 1981 provides for directions for ensuring standards for emission from automobiles by the State Pollution Control Boards. Section 21 of the Air Act, 1981 requires Consent to Establish (CTE) or operate an industrial plant in air pollution control areas. Conditions for such grant include installation of equipments for control of air pollution, use of specified chimneys and such other conditions as may be necessary. Section 22 provides for control of industrial pollution. State Boards can also seek injunction against air pollution from any source under Section 21-A. Section 31-A empowers a Pollution Board to give directions to close an industrial activity on the ground of pollution. It is, however, well known that the statutory mechanism under the Air Act, 1981 has not been successful in controlling air pollution. The result is that air pollution has been subject matter of consideration by the Hon'ble Supreme Court and other Courts as well as this Tribunal.

²<https://www.ndtv.com/delhi-news/delhis-air-pollution-has-caused-of-death-of-15-000-people-study-1883022>.

5. Directions have been issued by the Hon'ble Supreme Court for control of vehicular pollution³, industrial and construction sector pollution⁴, power sector pollution⁵ and agricultural sector pollution⁶. This Tribunal also dealt with some of such issues.⁷ CPCB has also issued directions under Section 18(1)(b) of the Air Act, 1981 vide letter dated 29.12.2015 regarding prevention, control or abatement of air pollution and improvement of ambient air quality⁸.
6. A Comprehensive Action Plan (CAP) for air pollution control for NCR was prepared in pursuance of order of the Hon'ble Supreme Court dated 06.2.2017 by the Environment Pollution (Prevention and Control) Authority (EPCA) in consultation with the CPCB and DPCC on 05.04.2017.⁹ The said plan also provides for enforcement of Graded Response Action Plan (GRAP) notified by the MoEF&CC on 12.01.2017¹⁰. The GRAP envisages specific steps for different levels of air quality such as improvement in emission and fuel quality and other measures for vehicles, strategies to reduce vehicle numbers, non-motorised transport network, parking policy, traffic management, closure of polluting power plants and industries including brick kilns,

³ M.C. Mehta v. Union of India (1985)2 SCC 431, M.C. Mehta v. Union of India (2001) 3 SCC 756, M.C. Mehta v. Union of India (1998) 6 SCC 63, M.C. Mehta v. Union of India (2002) 3 SCC 356, M.C. Mehta v. Union of India (1998) 6 SCC 60

⁴ M.C. Mehta v. Union of India (1997) 2 SCC 353, M.C. Mehta v. Union of India and Shriram Foods and Fertilizer Industries and Anr. (1986) 2 SCC 235, Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P. (1985) 2SCC 431, Mohd. Haroon Ansari v. District Collector (1998) 6 SCC 60, Union of India v. Union Carbide Co. (1989) 1 SCC 674, M.C. Mehta v. Union of India (1992) 4 SCC 256, Sterlite Industries (India) Ltd. etc. v. Union of India & Ors.(2013) 4SCC 575 , M.C. Mehta v. Union of India (2004) 6 SCC 588, M.C. Mehta v. Kamal Nath (2000)6 SCC 213

⁵ Consumer Education and Research Centre v. Union of India (1995)3 SCC 42, Dahanu Taluka Environment Protection group and Ors. v. Bombay Suburban Electricity Supply Company Ltd. and Ors (1991) 2SCC 539

⁶ Arjun Gopal and Ors v. Union of India and Ors (2017) 16 SCC 280, Dr. B.L Wadhwa v. Union of India and Ors (1996) 2 SCC 594

⁷ Vardhman Kaushik v. Union of India and Ors. O.A no. 21 of 2014, Vikrant Kumar Tongad v. Environment Pollution (Prevention and Control) Authority and Ors, O.A No. 118 of 2013, Satish Kumar v. Union of India and Ors, O.A. No. 56 (T_{HC}) OF 2013, Smt. Ganga Lalwani V. Union of India and Ors. O.A No. 451 of 2018

⁸ p. 38, <http://envfor.nic.in/sites/default/files/NCAP%20with%20annex-ilovepdf-compressed.pdf>

⁹ Report No.71, EPCA-R/2-17/L-21, Comprehensive Action Plan for air pollution control with the objective to meet ambient air quality standards in the National Capital Territory of Delhi and National Capital Region, including states of Haryana, Rajasthan and Uttar Pradesh.

¹⁰ S.O.118(E), Notification, Ministry of Environment, Forest and Climate Change

control of generator sets, open burning, open eateries, road dust, construction dust, etc.

7. The GRAP categorises levels of pollution as severe plus, severe, very poor, moderate to poor. The action to be taken in such situations includes stopping entry of trucks, stopping construction activities, odd and even scheme of private vehicles, shutting of schools, closing of brick kilns, stone crushers, hot mix plants, power plants, intensifying public transport services, mechanised cleaning of road, and sprinkling of water, stopping the use of diesel generator sets, enhancing parking fees, etc. Implementation of prescribed norms in the light of legal provisions and court directions remains a challenge. The consequence is that India is being ranked high in terms of level of pollution compared to many other countries with enormous adverse impact on public health. Most victims are children, senior citizens and the poor.¹¹

8. A chamber meeting was held in this Tribunal on 05.09.2018 to review the situation. The same was attended by all the Members of the Tribunal, representatives of CPCB, Ministry of Road Transport and Highways (MoRTH), Ministry of Petroleum and Natural Gas, Ministry of Environment, Forest and Climate Change (MoEF&CC), Ministry of Agriculture, Cooperation and Farmers Welfare, Ministry of Heavy Industries, States of Haryana, Punjab, Uttar Pradesh and Rajasthan, NCT of Delhi, IIT Delhi, IIT Kanpur and NEERI. In the said meeting, presentation was given by CPCB to the effect that 102 cities have been declared as “non-attainment” cities based on study of data from 2011-2015 and directions were issued by the CPCB to concerned States to

¹¹ <https://www.thehindu.com/sci-tech/energy-and-environment/india-ranks-177-out-of-180-in-environmental-performance-index/article22513016.ece>
<https://www.ndtv.com/delhi-news/delhis-air-pollution-has-caused-of-death-of-15-000-people-study-1883022>

- frame city specific action plans. 73 such plans were received. 36 were finalized. 37 are pending. 29 are yet to be submitted.
9. Under the National Ambient Air Quality Monitoring Programme (NAAQM) of the CPCB, renamed as National Air Quality Monitoring Programme (NAMP), air quality data is compiled with reference to notified air standards. Four air pollutants viz. Sulphur Dioxide (SO₂), Oxides of Nitrogen as NO₂, Suspended Particulate Matter (PM₁₀) and fine Particulate Matter (PM_{2.5}) have been identified for regular monitoring at all the locations.¹² In addition to this, there are hundred and one (101) real-time Continuous Ambient Air Quality Monitoring stations (CAAQMS) in 57 cities monitoring 08 pollutants viz. PM₁₀, PM_{2.5}, SO₂, NO_x, Ammonia (NH₃), Carbon Monoxide (CO), Ozone (O₃) and Benzene. PM₁₀ are inhalable coarse particles, which are particles with a diameter between PM_{2.5} and 10 micrometers (µm) and PM_{2.5} are fine particles with a diameter of 2.5 µm or less. Particulates are the deadliest form of air pollutant due to their ability to penetrate deep into the lungs and blood streams unfiltered. The smaller PM_{2.5} are particularly deadly as they can penetrate deeper into the lungs.
 10. As already noted, there are 102 non-attainment cities where the air quality is worse than National Ambient Air Quality Standards consecutively in the last five years. The number of cities has increased from 94 identified earlier under the National Air Quality Monitoring Programme (2011-15). The highest number of cities are in Maharashtra (17) followed by Uttar Pradesh (15), Punjab (9), Himachal Pradesh (7), Odisha and Madhya Pradesh (6 each), Assam, Andhra Pradesh and Rajasthan (5 each), Karnataka (4), Bihar, Chhattisgarh and Telangana (3 each), Gujarat, Jammu and Kashmir, Nagaland and Uttarakhand (2 each) and Jharkhand, Delhi, Chandigarh, Meghalaya, Tamil Nadu and West Bengal (1 each).

¹² <http://envfor.nic.in/sites/default/files/NCAP%20with%20annex-ilovepdf-compressed.pdf>

11. The list of 102 cities identified by CPCB with status of parameters exceeded and major sources of pollution are as follows:

State Sl. No	State	Cities Sl. No	Cities	Status	Major Sources of Pollution
1	Andhra Pradesh	1	Guntur	PM10	i. Vehicular Emissions. ii. Road Dust/Re-suspension of dust and other fugitive emission. iii. Air Pollution from Bio-Mass Burning iv. Industrial Air Pollution. v. Air Pollution from Construction and Demolition Activities. vi. DG sets vii. LPG instead of coal in restaurants/dhabas/ road side eateries.
		2	Kurnool	PM10	
		3	Nellore	PM10	
		4	Vijaywada	PM10	
		5	Vishakhapatnam	PM10	
		6	Guwahati	PM10	
		7	Nagaon	PM10	
2	Assam	8	Nalbari	PM10	
		9	Sibsagar	PM10	
		10	Silchar	PM10	
	Bihar	11	Gaya	N.A	
		12	Patna	N.A	
		13	Muzzafarpur	N.A	
3	Chandigarh	14	Chandigarh	PM10	
4	Chhattisgarh	15	Bhillai	PM10	
		16	Korba	PM10	
		17	Raipur	N.A	
5	Delhi	18	Delhi	PM10, NO2	
6	Gujarat	19	Surat	PM10	
		20	Amedabad	N.A	
		21	Baddi	PM10	
		22	Damtal	PM10	
		23	Kala Amb	PM10	
7	Himachal Pradesh	24	Nalagarh	PM10	
		25	Paonta-Sahib	PM10	
		26	Parwanoo	PM10	
		27	Sunder Nagar	PM10	
8	Jammu & Kashmir	28	Jammu	PM10	
		29	Srinagar	N.A	
9	Jharkhand	30	Dhanbad	PM10	
10	Karnataka	31	Bangalore	PM10	
		32	Devanagere	PM10	
		33	Gulburga	PM10	
		34	Hubli-Dharwad	PM10	
		35	Bhopal	PM10	
		36	Dewas	PM10	

State Sl. No	State	Cities Sl. No	Cities	Status	Major Sources of Pollution
11	Madhya Pradesh	37	Indore	PM10	i. Vehicular Emissions. ii. Road Dust/Re-suspension of dust and other fugitive emission. iii. Air Pollution from Bio-Mass Burning iv. Industrial Air Pollution. v. Air Pollution from Construction and Demolition Activities. vi. DG sets. vii. LPG instead of coal in restaurants/dhabas/ road side eateries.
		38	Sagar	PM10	
		39	Ujjain	PM10	
		40	Gwalior	N.A	
		41	Akola	PM10	
		42	Amravati	PM10	
		43	Aurangabad	PM10	
		44	Badlapur	PM10, NO2	
		45	Chandrapur	PM10	
		46	Jalgaon	PM10	
		47	Jalna	PM10	
12	Maharashtra	48	Kolhapur	PM10	
		49	Latur	PM10	
		50	Mumbai	PM10	
		51	Nagpur	PM10	
		52	Nashik	PM10	
		53	Navi Mumbai	PM10	
		54	Pune	PM10, NO2	
		55	Sangli	PM10	
		56	Solapur	PM10	
57	Ulhasnagar	PM10, NO2			
13	Meghalaya	58	Byrnihat	PM10	
14	Nagaland	59	Dimapur	PM10	
		60	Kohima	PM10	
15	Orissa	61	Angul	PM10	
		62	Balasore	PM10	
		63	Bhubneshwar	PM10	
		64	Cuttack	PM10	
		65	Rourkela	PM10	
		66	Talcher	PM10	
		67	Amritsar	N.A	
		68	DeraBassi	PM10	
		69	Gobindgarh	PM10	
70	Jalandhar	PM10			

State Sl. No	State	Cities Sl. No	Cities	Status	Major Sources of Pollution
16	Punjab	71	Khanna	PM10	i. Vehicular Emissions. ii. Road Dust/Re-suspension of dust and other fugitive emission. iii. Air Pollution from Bio-Mass Burning iv. Industrial Air Pollution. v. Air Pollution from Construction and Demolition Activities. vi. DG sets. vii. LPG instead of coal in restaurants/dhabas/ road side eateries.
		72	Ludhiana	PM10	
		73	NayaNangal	PM10	
		74	Pathankot/Dera Baba	PM10	
		75	Patiala	PM10	
		76	Alwar	PM10	
		77	Jaipur	PM10	
17	Rajasthan	78	Jodhpur	PM10	
		79	Kota	PM10	
		80	Udaipur	PM10	
18	Tamil Nadu	81	Tuticorin	PM10	
19	Telangana	82	Hydrabad	PM10	
		83	Nalgonda	PM10	
		84	Patencheru	PM10	
		85	Agra	PM10	
		86	Allahabad	PM10	
		87	Anpara	PM10	
		88	Bareilly	PM10	
		89	Firozabad	PM10	
		90	Gajraula	PM10	
		20	Uttar Pradesh	91	Ghaziabad
92	Jhansi			PM10	
93	Kanpur			PM10	
94	Khurja			PM10	
95	Lucknow			PM10	
96	Muradabad			PM10	
97	Noida			PM10	
98	Raebareli			PM10	
99	Varanasi			PM10	
21	Uttarakhand	100	Kashipur	PM10	
		101	Rishikesh	PM10	
22	West Bengal	102	Kolkata	PM10, NO2	

12. The above chart shows that major violation of standard is of “PM₁₀” and identified sources are vehicular, industrial, biomass burning, road dust, construction and demolition, DG sets and road side eateries. The action plan proposed by the CPCB¹³ with the timeline is as follows:

Action Plan:				
	Action	Implementati on period (Short/ Mid /Long-term)	Time target for Implement ation	Responsible agency (ies)
Source group	1. Restriction on plying and phasing out of 15 years old commercial diesel driven vehicles.	Mid	Dec. 18	Transport Department
Vehicles	2. Introduction of cleaner fuels (CNG/LPG) for vehicles.	Mid	June, 18	Transport Department & Oil companies
	3. Regular checking of vehicular emission and issue of Pollution under Control Certificate (PUC).	Short	March, 18	Transport Department & Traffic Police
	4. Good traffic management including re-direction of traffic movement to avoid.	Mid	July, 18	Traffic Police
	5. Ban on registration of Diesel driven auto-rickshaw /Tempo.	Short	April, 18	Transport Department
	6. Promotion and operationalization of E-rickshaw.	Mid	June, 18	Transport Department
	7. Development of Multi-layer parking.	Long	Dec. 18,	MC, UD&HD & District Adm
	8. Retrofitting of particulate filters in diesel driven vehicle.	Mid	Dec. 18	Transport Department
	9. Checking of fuel adulteration	Short	April, 18	District Adm & Oil Company
	10. Monitoring on vehicle fitness.	Short	April, 18	Transport Department & Traffic Police
	11. Periodic calibration test of vehicular emission monitoring instrument	Short	April, 18	SPCB & Transport Department
	Road Dust	1. Regular cleaning of road dust.	Short	April, 18

¹³presented by CPCB in chamber meeting at NGT on 05.09.2018

	2. Water spraying on road through tankers	Mid	April, 18	MC
	3. Construction of pucca pavement along the roads.	Long	Dec. 18	MC and Road Construction Department
	4. Tree plantation along the roads.	Long	Aug. 19	Department of Environment and Forest
	5. Development of green belt in open areas, gardens, parks/ community places, schools & housing societies.	Long	Aug. 19	Department of Environment and Forest
	6. Introduction of water fountains at major traffic intersection/ Golambar/circle.	Long	Aug.19	MC
Constructi on activities	1. Covering of construction site.	Short	April, 18	Building Construction Department and MC.
	2. Transporation of construction materials like sand, soil, stone chips etc. in covered system.	Short	April, 18	Transport Department District Adm. & Traffic Police.
	3. Restriction on storage of construction materials along the road.	Short	April, 18	MC
Biomass and garbage burning	1. Restriction on open burning of municipal solid waste, Biomass, plastic horticulture waste etc.	Short	March, 18	MC
	2. Immediate lifting of solid wastes generated from de-silting and cleaning of municipal drains for its disposal.	Short	April, 18	MC
	3. Transportation of municipal solid wastes, construction materials and debris in covered system.	Short	April, 18	MC
	4. Ensuring promotion & use of cleaner fuel for commercial purposes like local Dhaba/eateries	Long	Dec.19	District Adm. & Oil Company
Industries	1. Ensuring installation and operation of air pollution control devices in industries	short	April, 18	SPCB
	2. Ensuring emission standards in industries	short	April, 18	SPCB

	3. Adoption of cleaner technology in brick kilns at five blocks of City Name Viz. city Name Sadar, Danapur, Phulwarisharif, Maner and Fatuha by 31.08.2018	Mid	Aug. 18	SPCB
	4. Shifting of polluting industries,	Long	Dec. 19	SPCB & Industry Department
	5. ban on polluting industries	Short	April, 18	SPCB & Industry Department
Strengthening of AAQ monitoring	1. Installation of four CAAQMS at City Name A. Two CAAQMS stations under CSR funds of CPSU through Central Pollution Control Board at Eco-Park and IGIMS, City Name premise. b. Two CAAQM stations under State Govt. financial assistance	Mid	Aug. 18	SPCB
	2. Source appointment study	Mid	Dec. 18	SPCB
Public Awareness	1. Issue of advisory to public for prevention and control of air pollution	Short	April, 18	SPCB & SDMA
	2. Involvement of school and other academic institution in awareness program	Mid	Aug. 18	SPCB
Others	1. Compliance of guidelines on D.G. sets and action against violation	Short	April, 18	SPCB & MC
	2. Help line to oversee non compliances on aforesaid issues.	Short	April, 18	SPCB & MC

13. The data of non-attainment cities is a matter of concern. Though, the MoEF&CC has announced NCAP, as noted earlier, the timeline for bringing down the pollution by 70-80% in next 10 years does not meet the mandate of law. The time line has to be revised. As per some studies, India ranks 177 out of 180 countries in Environmental Performance Index.¹⁴

¹⁴ <https://www.thehindu.com/sci-tech/energy-and-environment/india-ranks-177-out-of-180-in-environmental-performance-index/article22513016.ece>

14. We are thus of the view that emergent measures are required to check sources of air pollution. Once the standards have been laid down in the statutory provisions of the Air Act, 1981, all the authorities as well as citizens are statutorily bound to follow the said standards.
15. Accordingly, we consider it appropriate to take cognizance of the alarming situation and issue directions as follows:
- i. All the States and Union Territories with non-attainment cities must prepare appropriate action plans within two months aimed at bringing the standards of air quality within the prescribed norms within six months from date of finalization of the action plans.
 - ii. The Action Plans may be prepared by six-member committee comprising of Directors of Environment, Transport, Industries, Urban Development, Agriculture and Member Secretary, State Pollution Control Board or Committee of the concerned State. The Committee may be called Air Quality Monitoring Committee (AQMC). The AQMC will function under the overall supervision and coordination of Principal Secretary, Environment of the concerned State/Union Territory. This may be further supervised by the Chief Secretaries concerned or their counterparts in Union Territories by ensuring intra-sectoral co-ordination.
 - iii. The Action Plans may take into account the GRAP, the CAP and the action plan prepared by CPCB as well as all other relevant factors. The Action Plans may be forwarded to the CPCB by 31.12.2018. The same may be placed before the Committee as directed in direction no. vi. The Action Plan will include components like identification of source and its apportionment considering sectors like vehicular pollution, industrial pollution, dust pollution, construction activities, garbage burning, agricultural pollution including pollution caused by burning of crop residue, residential and indoor pollution etc. The action plan

shall also consider measures for strengthening of Ambient Air Quality (AAQ) monitoring and steps for public awareness including issuing of advisory to public for prevention and control of air pollution and involvement of schools, colleges and other academic institutions and awareness programmes.

- iv. The Action Plan will indicate steps to be taken to check different sources of pollution having speedy, definite and specific timelines for execution.
- v. The Action Plan should be consistent with the carrying capacity assessment of the non-attainment cities in terms of vehicular pollution, industrial emissions and population density, extent of construction and construction activities etc. The carrying capacity assessment shall also lay emphasis on agricultural and indoor pollution in rural areas. Depending upon assessed carrying capacity and source apportionment, the authorities may consider the need for regulating number of vehicles and their parking and plying, population density, extent of construction and construction activities etc. Guidelines may accordingly be framed to regulate vehicles and industries in non-attainment cities in terms of carrying capacity assessment and source apportionment.
- vi. The Committee comprising of (a) Shri. Prashant Gargava, Member Secretary, CPCB, (b) Dr. Mukesh Khare, Professor, IIT Delhi, and (c) Dr. Mukesh Sharma, Professor, IIT Kanpur shall examine the Action Plans and on the recommendations of the said Committee, the Chairman, CPCB shall approve the same by 31.01.2019.
- vii. The Chief Secretaries of the State and Administrators/ Advisors to Administrators of the Union Territories will be personally accountable for failure to formulate Action Plans, as directed.
- viii. The CPCB, SPCBs and State Pollution Control Committees shall develop a public grievance redressal portal for redressal of public

complaints on air pollution along with a supervisory mechanism for its disposal in a time bound manner. Any visible air pollution can be reported at such portal by email/SMS.

- ix. The CPCB and all the State Pollution Control Boards and Pollution Control Committees shall collectively workout and design a robust nationwide ambient air quality monitoring programme in a revised format by strengthening the existing monitoring network with respect to coverage of more cities/towns. The scope of monitoring should be expanded to include all twelve (12) notified parameters as per Notification No B-29016/20/90/PCI-L dated 18th November, 2009 of CPCB. The continuous Ambient Air Quality Monitoring Stations (AAQMS) should be preferred in comparison to manual monitoring stations. The CPCB and States shall file a composite action plan with timelines for its execution which shall not be more than three months. It is expected that all such AAQMS shall be connected to central server of CPCB for reporting analysis of results in a form of Air Quality Bulletin for general public at regular intervals atleast on weekly basis and ambient air quality on continuous basis on e-portal. MoEF&CC will provide requisite funds for the purpose. MoEF&CC in consultation with Ministry of Housing and Urban Affairs, MoRTH, Ministry of Petroleum and Natural Gas, Ministry of Agriculture, Cooperation and Farmers Welfare or any other Ministry to lay down such guidelines as may be considered necessary for improvement of air quality in the country.

16. A copy of this be sent by e-mail to all the concerned i.e. Ministries of Environment, Forest & Climate Change, Housing and Urban Affairs, Road Transport and Highway, Agriculture, Petroleum and the Chief Secretaries of all the States and Union Territories for compliance.

17. We understand that some of the Zonal Benches of the National Green Tribunal have also passed directions on the subject of Ambient Air Quality and the States in those Zones are in the process of implementation of such directions. Specific reference may be made in this regard to judgement dated 11.08.2016 in O.A No. 33/2018/EZ in the matter of *Subhas Datta v. State of West Bengal & Ors.* We make it clear that this order shall not be considered as an impediment to those actions but as an addition or supplement thereto for achieving the object of this order at the macro level and of the said order at the micro level in the concerned cities.
18. Needless to say, that order of National Green Tribunal is binding as a decree of Court and non-compliance is actionable by way of punitive action including prosecution, in terms of the National Green Tribunal Act, 2010.
19. The CPCB may compile the data and furnish the same to this Tribunal by email at filing.ngt@gmail.com on or before 15.2.2019.
20. Put up for consideration in the last week of February, 2019.

....., CP
(Adarsh Kumar Goel)

.....,JM
(Dr. Jawad Rahim)

.....,JM
(S.P. Wangdi)

.....,EM
(Dr. Nagin Nanda)

New Delhi
October, 08, 2018