

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 638 OF 2023**

IN THE MATTER OF:

COURT ON ITS OWN MOTION

..... PETITIONER

VERSUS

UNION OF INDIA & ORS.

... RESPONDENT

NDOH: 14.02.2024

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Through

**Shlok Chandra
(ADVOCATE)**

Counsel for MoEFCC

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Place: New Delhi

Date: 18.01.2024

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**SUPPLEMENTARY/AFFIDAVIT ON BEHALF OF RESPONDENT - MINISTRY OF
ENVIRONMENT, FOREST AND CLIMATE CHANGE.**

I, Mr. Nallamolu Subrahmanyam S/o Mr. Narasimharao, aged about 37 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:



N. Subrahmanyam

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(N. SUBRAHMANYAM)
वैज्ञानिक 'डी'/Scientist 'D'
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M/o Environment, Forest and Climate Change
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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 the Respondent in the present 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).
3. That, I have gone through the Original Application No. 638/2023 and have understood the contents thereof.
4. That it is respectfully submitted that realizing the importance of environmental health, the Ministry of Environment, Forest & Climate Change (MoEF&CC) formed an Environmental Health Cell to deal with the matters related to the environmental health in the country. An Apex Committee under the Co-Chairmanship of Secretary, DG, ICMR having



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the representatives of Ministry of Health, Ministry of Labour, Public health Foundation of India, ICMR, Advanced Centre for treatment, Research and Education in Cancer (ACTREC) and MoEF&CC to provide guidance for developing/ formulating environmental health strategies, review the activities on Environmental Health and provide guidance to working group. Secondly, Working Group under the joint Chairmanship of Indian Council of Medical Research (ICMR) and MoEF&CC having the representatives of Indian Institute of Toxicology Research (IITR), National Institute of Occupational Health (NIOH), All India Institute of Hygiene & Public Health, AIIMS and CPCB, to identify thrust area in Environment Health and to evaluate & apprise environmental health projects are constituted in Environmental Health Cell. Apex Committee on Environmental Health in its meeting held on 21.03.2023, reviewed the progress of projects undertaken under the NEHP Study. The Committee recommended that all the data collected by medical institutions and SPCBs/PCCs for the study should be shared with PMU established at AIIMS. Further, data and study findings be presented before the Working Group for its review and all the



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PIs were requested to submit data to enable PMU to collate, analyze and prepare the report.

A copy of the Committees constituted in Environmental Health Cell has been annexed as **Annexure R-1**.

5. That it is submitted that National Environmental Health Profile Study (NEHP Study), is one of the key projects of the Environmental Health Cell, was initiated by the Ministry with an aim to make an assessment of impact on human health due to consequence of exposure to air pollution in 20 selected cities across the country. The study covers 20 cities in four zones of the country i.e. North, South, East and West. In the North; Delhi, Ludhiana, Kanpur, Raipur & Guwahati; East: Patna, Dhanbad, Bhubaneshwar, Kolkata, Shillong; South: Bengaluru, Hyderabad, Vishakhapatnam, Chennai, Thiruvananthapuram); West: Ahmedabad, Mumbai, Jaipur, Bhopal, Panaji. In each zone, 5 cities have been selected, with one city in each zone as a control/ referral city (comparatively cleaner one). MoEF&CC has sanctioned Rs. 12.79 crore to these projects which are at various stages of implementation.

Government of India has sanctioned Rs. 62.67 lakhs per city



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(20 cities) for 3 years. In the project, there are 4 components of data collection namely

- i. Collection of Morbidity and Mortality data related to Cardio-Respiratory admissions from major Hospitals during the study period;
- ii. Household Survey (Questionnaire and PFT).
- iii. Collection of meteorological data from meteorology department.
- iv. Collection air pollution data from SPCB.

6. That it is submitted the study is a collaborative effort of Central Pollution Control Board (CPCB)/State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) and medical institutions like ICMR and AIIMS. The NEHP study was initiated in the year 2018-19 and it consists of a mixed design, comprising the hospital-based ecological longitudinal approach to assess acute health effects of air pollution on people and community/ survey-based cross-sectional approach to assess chronic health effects of pollution. That a team of the experts has finalized the methodology and common protocol for the NEHP study.

Experts from Ministry of Environment, Forest & Climate



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Change, AIIMS, Delhi, PGIMER, Chandigarh, SRU, Chennai, NIREH, Bhopal, National Centre for Disease Control (NCDC), Ministry of Health and Family Welfare and Central Pollution Control Board were the part of the team.

7. That, in addition to NEHP study, several steps to assess the air pollution on human health was conducted. That three projects have been initiated namely, (i) Assessment of Air Pollution Status with co-beneficial factors and its impact on human health for Tiruchirapalli city corporation, by Bharthidasan University (ii) Estimating Mercury levels and exposure for pregnant women and new born babies in selected coastal and interior South Indian cities: first step towards building a database on risk from mercury pollution in India, by IIT Hyderabad and (iii) Bioavailability of Dioxin like Polychlorinated biphenyls, Dioxin and Furan released due to combustion of electronic waste in Chennai, implications for Risk Assessment, by SRM University.

8. That it is submitted that the Government of India prohibited the manufacture, trade, import and export of Household and



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Decorative Paints containing lead or lead compounds (calculated as lead metal) in excess of 90 parts per million (0.009 per cent.) of the weight of the total non-volatile content of the weight of the dried paints film from November 01, 2016.

9. That the Government of India has ratified following 19 chemicals/pesticides for elimination of production and use to protect environment and human health under Stockholm Convention:

- i. Pesticides: Aldrin, Chlordane, DDT, Dieldrin, Endrin, Heptachlor, Mirex, Toxaphene, Chlordecone, and Pentachlorobenzene
- ii. Industrial chemicals: Hexachlorobenzene and Polychlorinated biphenyls (PCBs); Hexabromobiphenyl, Hexabromodiphenyl ether and heptabromodiphenyl ether (commercial octa-BDE), Tetrabromodiphenyl ether and Pentabromodiphenyl ether (commercial penta-BDE), Hexabromocyclododecane (HBCD) and Hexachlorobutadine (HCBD)
- iii. Unintentionally produced POPs: Dioxins and Furans.



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10. That it is submitted for better management of chemicals, the Central Government issued following notifications/regulations:

a. Regulation on Persistent Organic Pollutants Rules, 2018 vide G.S.R. 207 (E) dated 5th March, 2018 which prohibits the manufacture, trade, use, import and export of the seven POPs:

- Chlordecone
- Hexabromobiphenyl
- Hexabromodiphenyl ether and heptabromodiphenyl ether (commercial octa-BDE)
- Tetrabromodiphenyl ether and pentabromodiphenyl ether (commercial penta-BDE)
- Pentachlorobenzene
- Hexabromocyclododecane
- Hexachlorobutadine

b. Regulation of Polychlorinated Biphenyls (PCBs) Order, 2016 vide S.O.1327(E) dated 6th April, 2016

- Bans manufacture and import of PCBs and containing equipment in India with immediate effect
- Bans use of PCBs by Dec, 2025
- Mandates destruction of stockpiles of PCBs in environmentally sound manner by Dec, 2028
- Mandates disposal of PCB contaminated equipment inline with Hazardous Waste Management Rules by Dec, 2028



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c. Ministry of Agriculture & Family Welfare issued following notifications for prohibiting manufacture, import and use of pesticides:

- SO 648 (E) dated September 20, 1996: Aldrin, Chlordane, Heptachlor
- SO 682 (E) dated July 17, 2001: Dieldrin
- SO 382 (E) dated May 15, 1990: Endrin
- SO 910(E) dated March 27, 2014: Mirex
- SO 569 (E) dated July 25, 1989: Toxaphane
- SO 911(E) dated March 27, 2014: Hexachlorobenzene (HCB)
- SO 295 (E) dated March 8, 2006: DDT for agricultural purpose

d. MoEFCC has prohibited the handling of 70 Azo dyes which came under the banned category as per the notification published in the Gazette on 26th March, 1997.

11. That it is submitted that the Commission for Air Quality Management in National Capital Region and Adjoining Areas (hereinafter referred to as 'Commission') has been taking up the issue of air pollution in NCR and adjoining areas in a collaborative and participative mode involving all the



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concerned stakeholders. That it is submitted that the Commission has been constituted through an Act passed by the Parliament of India on 13.08.2021, for the purpose of improving the Air Quality in National Capital Region and Adjoining Areas. The Commission has devised a comprehensive policy for abatement of pollution in NCR in July 2022, stipulating sector specific action points quantifying targets along with timelines and implementation plan by various agencies in NCR States. The policy framework details sector-wise interventions, quantified targets and timelines for various sectors contributing to air pollution.

A copy of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 is annexed herewith as **ANNEXURE R-2**.

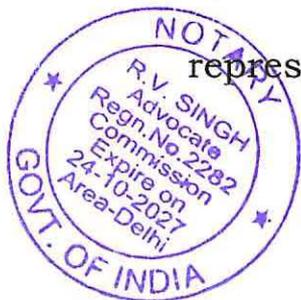
12. That it is submitted that since inception of the CAQM, the Commission has so far issued 78 directions and 11 advisories, besides executive orders to various agencies concerned in the NCR including State Governments of Punjab, GNCTD, and various bodies of the Central and State



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Governments in the region. That, it is submitted that to address the deterioration of Air quality actions, Graded Response Action Plan (GRAP) are also imposed based on Air Quality Index. The GRAP calls for a set of emergent preventive/restrictive actions depending on air pollution levels, to be implemented by the identified agencies for combating the adverse air quality scenario generally prevailing in Delhi-NCR owing to unfavorable climatic and meteorological conditions during the winter months.

13. The Commission has also constituted a statutory sub-Committee on Safeguarding and Enforcement represented by senior level functionaries of the NCR State Governments towards policy formulation and implementation & monitoring of field level actions. Graded Response Action Plan (GRAP) for abatement of air Pollution in Delhi & NCR was notified by the Ministry of Environment, Forest and Climate Change in January 2017. The Commission has issued revised GRAP in October, 2023 which is being operationalized by the Sub-Committee having representation from Pollution Control Boards/Committee of



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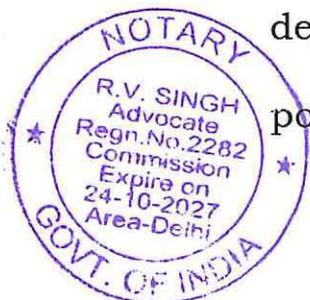
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NCR State Governments and GNCTD, CPCB, IITM, Pune and IMD, New Delhi.

A copy of the revised schedule GRAP is annexed herewith as **ANNEXURE R/3.**

14. It is submitted that MoEF&CC through a nation-wide programme of ambient air quality monitoring known as National Air Quality Monitoring Programme (NAMP) has been providing central financial assistance to the CPCB and SPCB/PCCs for establishing air quality monitoring network to monitor air quality in all cities.

The objectives of the NAMP are to determine status and trends of ambient air quality; to ascertain whether the prescribed ambient air quality standards are met; to identify Non-attainment Cities; to obtain the knowledge and understanding necessary for developing preventive and corrective measures and to understand the natural cleansing process undergoing in the environment through pollution dilution, dispersion, wind based movement, dry deposition, precipitation and chemical transformation of pollutants generated.



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Under NAMP, 1449 ambient air quality monitoring stations have been set up in 516 cities.

15. That it is submitted that an amount of Rs. 40.45 crores have been released to Delhi for taking air quality improvement measures under National Clean Air Programme (NCAP), launched by Ministry of Environment, Forest and Climate Change (MoEFCC) in January 2019. Further, an amount of Rs. 21.33 crores has been sanctioned to Delhi under Environment Protection Charges (EPC) funds for procurement of mechanical sweeping machines and road constructions/paving works. In addition, the cities in NCR namely Noida, Gurgaon, Faridabad, Ghaziabad, Meerut and Alwar were provided an amount of Rs. 296.58 Crores to implement city action plans under NCAP. It is submitted that under NCAP, three committees were constituted at the State level namely, Steering Committee under chairmanship of Chief Secretary, State Level Monitoring & Implementation Committee under Principal Secretary, Environment Dept.

and City Level Implementation Committee, to periodically monitor and implement the city action plan under NCAP. So



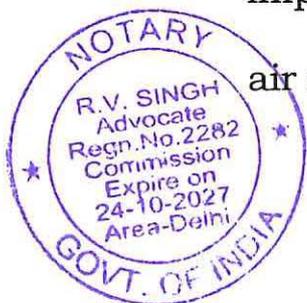
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far, 4 Steering Committee Meetings, 7 State Level Monitoring & Implementation Committee Meetings and 25 meetings of City Level Implementation Committee were held to monitor the progress of City Action Plans under the NCAP.

16. That it is submitted that key actions taken by the Central Government for combating air quality are as follows:

I. National Clean Air Programme

National Clean Air Programme (NCAP) has been launched by Ministry of Environment, Forest and Climate Change (MoEFCC) in January 2019 with an aim to improve air quality in 131 cities (non-attainment cities and Million Plus Cities) in 24 States by engaging all stakeholders. NCAP envisages reduction by 20-30% in PM concentration over baseline in year 2017 by 2024. Target has been revised to achieve reduction in PM10 level up to 40% or achievement of national standards ($60 \mu\text{g}/\text{m}^3$) by 2025-26. City Action Plans (CAPs) have been prepared by all 131 cities and being implemented by Urban Local Bodies. The city specific clean air action plans target city specific air polluting sources like



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Soil & Road Dust, Vehicles, Domestic Fuel, MSW Burning, Construction Material and Industries. Performance based financial support is provided to 131 cities for implementation of activities of City Action Plan. It is submitted that 88 cities out of 131 cities have shown improvement in air quality in terms of annual PM10 concentrations in FY 2022-23 with respect to the baseline of FY 2017-18. It is further submitted that under NCAP, an amount of Rs. 19,611 crores have been allocated during the FY 2019-20 till 2025-26 out of which an amount of Rs. 9793.88 crores have been released to 131 cities till 1st January 2024 to implement city action plans.

II. Measures for control of vehicular emissions

Leapfrogging from BS-IV to BS-VI fuel standards since 1st April, 2018 in NCT of Delhi and from 1st April, 2020 for the rest of the country. RFID (radio-frequency identity) system implemented by South Delhi Municipal Corporation (SDMC) for collection of toll and Environment Compensation Charges from commercial vehicles entering Delhi. Introduction of BS

VI compliant vehicles across the country since April, 2020. Department of Heavy Industry provides subsidy on e-



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vehicles under Faster Adoption and Manufacture of (Hybrid &) Electric Vehicles in India (FAME -II India) scheme. Sustainable Alternative Towards Affordable Transportation (SATAT) has been launched as an initiative to set up Compressed Bio-Gas (CBG) production plants and make CBG available in the market for use in automotive fuels. Operationalization of Expressways & Highways to divert non-destined traffic.

III. Measures for control of industrial pollution: The Ministry of Environment, Forest and Climate Change (MoEF&CC) formulates and notifies standards for emissions or discharge of environmental pollutants viz. air pollutants, water pollutants and noise limits, from industries, operations or processes with an aim to protect and improve the quality of the environment and abate environmental pollution.

The Ministry has notified standards for emission or discharge of environmental pollutants in more than 80 industries/sectors. Recently Ministry has notified following standards:



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- i. Notification regarding country wide emission standards have been issued for Thermal Power Plants
- ii. Ban on use of pet coke and furnace oils fuel in NCR States since October 24, 2017 and ban on use of imported pet coke in the country since July 26, 2018, with exception for use in permitted processes.
- iii. Notification on revision of emission standards for particulate matter for Industrial Boilers.
- iv. Notification of Environmental Standards for Hot Mix Plants.
- v. Notification of Environmental Standards for Calcined Petroleum Coke (CPC) Units
- vi. Amendment Notification for Revised Emission Standards for Generator Set (Genset)
- vii. Notification on revision of emission standards for particulate matter for industrial boilers
- viii. Amendment on Environmental Standards for Brick Kilns

IV. Measures for control of emission from Stubble Burning:

Under Central Sector Scheme on 'Promotion of Agricultural Mechanization for in-situ management of Crop Residue in the States of Punjab, Haryana, Uttar Pradesh and NCT of Delhi',

agricultural machines and equipment for in-situ crop residue management are promoted with 50% subsidy to the



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individual farmers and 80% subsidy for establishment of Custom Hiring Centers. In 2022, the Scheme has been merged with Sub-Mission on Agricultural Mechanization (SMAM) and SMAM has been merged with RashtriyaKrishiVikasYojana (RKVY).

The Commission for Air Quality Management in NCR and Adjoining Areas (CAQM) on 17.09.2021 directed the coal-based Thermal Power plants situated up to a radius of 300 Km of Delhi to co-fire biomass based Pellets, Torrefied Pellets/Briquettes (with focus on paddy straw) with Coal (up to 5-10%). The Coal-based captive Thermal Power Plants in NCR and adjoining areas directed to co-fire at least 5% biomass pellets by 30.09.2023 and at least 10% biomass pellets by 31.12.2023.

The Central Government has been monitoring the implementation of measures to control burning of paddy stubble. The Ministry of Environment, Forests and Climate Change held review meetings on 16.11.2023 and 23.11.2023 and monitored the various steps being taken by concerned stakeholders including the State Governments of the NCR

States, the CAQM, and the concerned Ministries of the



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Central Government with respect to continuous monitoring¹⁹
of implementation of measures to control stubble
burning and to control of air pollution in Delhi & NCR.

17. That the present affidavit is being filed by the Respondent,
however, the role of the Answering Respondent Ministry is
limited to the extent with regard to adequate measures for
prevention and control of air pollution.

18. The Answering Respondent craves leave of this Hon'ble Court
to add to amend or alter the said Counter, if so required.

N. Subrahmanyam

DEPONENT

VERIFICATION:

Verified at New Delhi on the 7th of January, 2024 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.

N. Subrahmanyam

DEPONENT

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Solemnly affirmed before me read
over & explained to the deponent.

[Signature]
Notary Public, Delhi

7th JAN 2024



[Signature]
I identified the deponent/executor
has signed in my presence.

020

Q-11011/1/2003-EHC

Government of India

**Ministry of Environment Forest and Climate Change
(Environmental Health Cell)**

Indira Paryavaran Bhawan,
2nd Floor Prithvi Wing,
Jor Bagh Road,
New Delhi – 110 003.

Dated: 13th October, 2016

OFFICE ORDER

**Subject: Re-Constitution of Apex Committee on Environmental Health -
regarding.**

The Ministry of Environment, Forest and Climate Change hereby re-constitute the Apex Committee on 'Environmental Health' with the following Members:

- | | |
|---|--------------|
| (1) Secretary, Ministry of Environment, Forest and Climate Change
New Delhi. | -Chairman |
| (2) Secretary and Director General, Indian Council of Medical Research,
New Delhi. | -Co-chairman |
| (3) Representatives of Ministry of Health, New Delhi. | -Member |
| (4) Representatives of Ministry of Labour, New Delhi. | -Member |
| (5) Prof. K.Srinath Reddy, Public Health Foundation of India (PHFI),
New Delhi. | -Member |
| (6) Dr. V. M. Katoch, Ex. Director General, ICMS, New Delhi. | -Member |
| (7) Director, Tata Memorial Centre, Advanced Centre for Treatment,
Research and Education in Cancer (ACTREC) - Mumbai. | -Member |
| (8) Advisor, Environmental Health Cell, Ministry of Environment,
Forest and Climate Change, New Delhi | -Convenor |

2. The tenure of the Committee is for three years. The Committee will meet at least once in a year.

N. Subrahmanyam

(एन. सुब्रह्मण्यम)
(N. SUBRAHMANYAM)
वैज्ञानिक 'डी' / Scientist 'D'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली (P.T.O.)
Govt. of India, New Delhi

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3. The Term of Reference (TOR) of the Committee will be as follows:

- (a) To provide guidance for developing/ formulating Environment Health strategies in the country.
 - (b) To review the activities on Environment Health.
 - (c) To provide guidance to Working Group.
 - (d) Any other related matters.
4. This issues with the approval of Competent Authority.

(Dr.(Ms.) Rubab Jaffer)
Deputy Director

Copy to:

- 1. All the Members of the Committee.
- 2. PS of MEF&CC, PPS to Secretary (E, F&CC), PPS to AS (MMK), PS to Advisor (MH)

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[Handwritten initials]

(Dr.(Ms.) Rubab Jaffer)
Deputy Director

Letter also issued as per list
[Handwritten initials]
17/10/15

o/c

Apex Committee Environmental Health

1.	Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi.	
2.	Dr. Soumya Swaminathan, Secretary and Director General, Indian Council of Medical Research, Ansari Nagar, New Delhi-110029	Tel: 91-011-26588204 Fax: 91-011-26588662 E-mail: soumya.s@nic.in, doctorsoumya@yahoo.com
3.	Shri C.K. Mishra, Secretary, Ministry of Health & Family Welfare Nirman Bhawan, C-Wing, New Delhi, 110001	
4.	Smt. M. Sathiyavathy Ministry of Labour & Employment, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001	secy-labour@nic.in
5.	Prof. K.Srinath Reddy, Public Health Foundation of India (PHFI), ISID Campus 4 Institutional Area Vasant Kunj, New Delhi -- 110070 India New Delhi.	Phone: +91 11-49566000 Email: contact@phfi.org
6.	Dr. Vishwa Mohan Katoch Former Secretary, Department of Health Research, Ministry of Health & Family Welfare, Govt. of India & Former Director General Indian Council of Medical Research Post Box 4911, Ansari Nagar, New Delhi-110 029,	Phone: 91 11 26588204 Email: vishwamohan_katoch@yahoo.co.in
7.	Dr. Shubhada V. Chiplunkar Director, Tata Memorial Centre Advanced Centre for Treatment, Research & Education in Cancer (ACTREC) Sector 22, Kharghar, Navi Mumbai - 410208, India	Tele: +91-22-2740 5000 Fax: +91-22-2740 5085 E-mail: mail@actrec.gov.in

8.	Dr. Manoranjan Hota, Advisor, Ministry of Environment ,Forest & Climate Change, CP Division, Indira Paryavaran Bhawan, 5 th Floor, Vaiyu Wing, Jor Bagh Road, New Delhi -- 110 003.	
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Q-11011/1/2003-EHC
Government of India
Ministry of Environment Forest and Climate Change
(Environmental Health Cell)

Indira Paryavaran Bhawan,
 2nd Floor Prithvi Wing,
 Jor Bagh Road,
 New Delhi – 110 003.

Dated: 13th October, 2016

OFFICE ORDER

Subject: Re-Constitution of Working Group Environmental Health - regarding.

The Ministry of Environment, Forest and Climate Change hereby re-constitute the Working Group on 'Environmental Health' with the following composition:

- | | |
|---|------------------|
| (1) Head, Division of Non-communicable Diseases, Indian Council of Medical ICMR), New Delhi | -Chairperson |
| (2) Advisor, Environmental Health Cell, MoEF&CC, New Delhi. | -Co-chairperson, |
| (3) Director, Indian Institute of Toxicology Research, (IITR) Lucknow (UP). | -Member |
| (4) Director, National Institute of Occupational Health(NIOH), Ahmedabad. | -Member |
| (5) Director, All India Institute of Hygiene & Public Health, Kolkata | -Member |
| (6) Head, Department of Medicine, All India Institute of Medical Sciences (AIIMS), New Delhi. | -Member |
| (7) Member Secretary, Central Pollution Control Board (CPCB), Delhi. | -Member |
| (8) Director, Environmental Health, MoEF&CC, New Delhi | -Convenor |

2. The tenure of the Working Group is for three years. The Committee will meet at least twice in a year.

3. The Term of Reference (TOR) of the Committee will be as follows:

- (a) To assist the Apex Committee.
- (b) To identify thrust areas in Environment Health.
- (c) To evaluate and appraise Environment Health projects.
- (d) The working group may co-opt any expert member /Institute /NGO Working in area of Environment Health for guidance.

(P.T.O.)

25

4. This issues with the approval of Competent Authority.

Signature

(Dr.(Ms.) Rubab Jaffer)
Deputy Director

Copy to:

- 1. All the Members of the Committee.
- 2. PS of MEF&CC, PPS to Secretary(E,F&CC), PPS to AS(MMK), PS to Advisor(MH)

Sudat

Signature
17/11/16

Signature

Signature

(Dr.(Ms.) Rubab Jaffer)
(Deputy Director)

*Letter also issued
as per list*

Signature
17/11/16

d/c

Working Group Environmental Health

1.	DR. R.S. Dhaliwal Scientist 'G' & Head, Division of Non-communicable Diseases, Indian Council of Medical Research (ICMR), New Delhi	Indian Council of Medical Research Post Box No. 4911 Ansari Nagar, New Delhi
2.	Dr. Manoranjan Hota, Advisor, Ministry of Environment, Forest & Climate Change, CP Division, Indira Paryavaran Bhawan, 5 th Floor Vaiyu Wing, Jor Bagh Road, New Delhi - 110 003. ✓	
3. ✓	Prof. Alok Dhawan Director, CSIR-Indian Institute of Toxicology Research (ITRC) Vishvigyan Bhavan 31, Mahatma Gandhi Marg P.O. Box No. 80 Lucknow - 226 001 Uttar Pradesh, India. ✓	Phone (EPBX): +91-522- 2620107, 2620207, 2614118 Fax : +91-522-2628227 Email: director@iitrindia.org
4. ✓	Dr. Sunil Kumar Director-in-Charge & Scientist-G National Institute of Occupational Health (Indian Council of Medical Research) Meghani Nagar, Ahmedabad-380016, Gujarat. ✓	Phone : +91- 79-22688700 (EPABX No), 22686351, 22686430, 22686330, 22686340 (PS to Director) Fax : +91-79-22686110 Email: director-nioh@gov.in, sunilkumar@icmr.org.in
5. ✓	Dr. R. N. Chaudhuri, Director, All India Institute of Hygiene & Public Health, 27 & 27 B, JC Block, Kolkata, West Bengal 700098	(+91)98314 17720 033 2241 2888
6. ✓	Dr. S.K. Sharma Department of Medicine, All India Institute of Medical Sciences (AIIMS), 3 rd Floor, Medicine Office 3 rd Floor teaching block South Delhi New Delhi-110002 Tel : 011-26594415	Tel : 011-26594415 E- mail: sksharma@aiims.ac.in
7.	Member Secretary, Central Pollution Control Board, Parivesh Bhavan, CBD-cum-Office Complex East Arjun Nagar, Delhi - 110 032.	



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-13082021-228982
CG-DL-E-13082021-228982

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 40] नई दिल्ली, शुक्रवार, अगस्त 13, 2021/ श्रावण 22, 1943 (शक)
No. 40] NEW DELHI, FRIDAY, AUGUST 13, 2021/SRAVANA 22, 1943 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 13th August, 2021/ Sravana 22, 1943 (Saka)

The following Act of Parliament received the assent of the President on the 12th August, 2021, and is hereby published for general information:—

THE COMMISSION FOR AIR QUALITY MANAGEMENT IN NATIONAL CAPITAL REGION AND ADJOINING AREAS ACT, 2021

No. 29 OF 2021

[12th August, 2021.]

An Act to provide for the constitution of the Commission for Air Quality Management in National Capital Region and Adjoining Areas for better co-ordination, research, identification and resolution of problems surrounding the air quality index and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021.

Short title,
application and
commencement.

(2) It shall apply to the National Capital Region and also to adjoining areas in so far as it relates to matters concerning air pollution in the National Capital Region.

N. Subrahmanyam

(एन. सुब्रह्मण्यम)
(N. SUBRAHMANYAM)
वैज्ञानिक 'डी'/Scientist 'D'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

(3) It shall be deemed to have come into force on the 13th April, 2021.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “adjoining areas” means the areas in the States of Haryana, Punjab, Rajasthan and Uttar Pradesh, adjoining the National Capital Territory of Delhi and the National Capital Region, where any source of pollution is located, causing adverse impact on air quality in the National Capital Region;

(b) “Associate Member” means a member who is co-opted under sub-section (3) of section 3;

(c) “Chairperson” means the Chairperson of the Commission for Air Quality Management in National Capital Region and Adjoining Areas referred to in section 3;

(d) “Commission” means the Commission for Air Quality Management in National Capital Region and Adjoining Areas constituted under section 3;

(e) “Member” means a Member of the Commission and includes the Chairperson thereof;

(f) “National Capital Region” shall have the same meaning as assigned to it in clause (f) of section 2 of the National Capital Region Planning Board Act, 1985; 2 of 1985.

(g) “prescribed” means prescribed by rules made under this Act.

(2) The words used herein and not defined, but defined in the Environment (Protection) Act, 1986, shall have the meaning as assigned to them in that Act. 26 of 1986.

CHAPTER II

COMMISSION FOR AIR QUALITY MANAGEMENT IN NATIONAL CAPITAL REGION AND ADJOINING AREAS

Constitution of Commission.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Commission for Air Quality Management in National Capital Region and Adjoining Areas to exercise the powers conferred upon, and to perform the functions assigned to, that Commission under this Act.

(2) The Commission shall consist of the following Members, namely:—

(a) a full-time Chairperson having experience of not less than fifteen years in the field of environment protection and pollution control or having administrative experience of not less than twenty-five years;

(b) a representative of the Secretary to the Government of India in the Ministry of Environment, Forest and Climate Change, who shall be an officer not below the rank of Joint Secretary, *ex officio*;

(c) five *ex officio* Members who are either Chief Secretaries, or Secretaries in-charge of the department dealing with environment protection in the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(d) one full-time Member who is or has been a Joint Secretary to the Government of India;

(e) three full-time independent technical Members to be appointed from amongst persons having specific knowledge and experience in matters relating to air pollution;

(f) one technical Member from the Central Pollution Control Board, *ex officio*;

(g) one technical Member to be nominated by the Indian Space Research Organisation, *ex officio*;

(h) three Members from non-Governmental organisations having experience in matters concerning combating of air pollution;

(i) one representative of the National Institution for Transforming India, not below the rank of Joint Secretary or Adviser, *ex officio*;

(j) one officer in the rank of Joint Secretary to the Government of India to be appointed by the Central Government as a full-time Member-Secretary of the Commission;

(k) three members, being stakeholders from such sectors as agriculture, industry, transport or construction.

(3) The Commission may co-opt the following persons as Associate Members, namely:—

(a) a representative of the Ministry of Road Transport and Highways, not below the rank of Joint Secretary to the Government of India;

(b) a representative of the Ministry of Power, not below the rank of Joint Secretary to the Government of India;

(c) a representative of the Ministry of Housing and Urban Affairs, not below the rank of Joint Secretary to the Government of India;

(d) a representative of the Ministry of Petroleum and Natural Gas, not below the rank of Joint Secretary to the Government of India;

(e) a representative of the Ministry of Agriculture and Farmers' Welfare, not below the rank of Joint Secretary to the Government of India;

(f) a representative of the Ministry of Commerce and Industry, not below the rank of Joint Secretary to the Government of India;

(g) a representative of any association of commerce or industry;

(h) such other Associate Members, as may be prescribed.

(4) The Member-Secretary shall be the Chief Co-ordinating Officer of the Commission and shall assist the Commission in the discharge of its functions under this Act.

(5) The headquarters of the Commission shall be at Delhi and the Commission may, with the previous approval of the Central Government, establish offices at other places in the National Capital Region or adjoining areas.

(6) Notwithstanding anything contained in any other law for the time being in force, and notwithstanding any judgment or order of any court, the Commission shall have exclusive jurisdiction in the National Capital Region and adjoining areas in respect of matters covered by this Act and no other body, authority, individual or committee shall have any power or jurisdiction in such matters:

Provided that in case of any conflict in the orders or directions of the Commission and the Governments of the National Capital Territory of Delhi and of the States of Punjab, Haryana, Rajasthan and Uttar Pradesh or the Central Pollution Control Board or the State Pollution Control Boards of the States of Punjab, Haryana, Rajasthan and Uttar Pradesh or the Pollution Control Committee of the National Capital Territory of Delhi or any other statutory authority set up or established under a State Act, the order as well as the direction of the Commission shall prevail.

4. (1) The full-time Chairperson and full-time Members, other than *ex officio* Members, of the Commission shall be appointed by the Central Government:

Provided that every appointment under this sub-section shall, subject to the provisions of second proviso, be made on the recommendations of a Selection Committee consisting of—

Appointment
of
Chairperson,
Members and
Member-
Secretary.

(a) Minister in-charge of the Ministry of Environment, Forest and Climate Change in the Government of India—Chairperson;

(b) Minister in-charge of the Ministry of Commerce and Industry in the Government of India—member;

(c) Minister in-charge of the Ministry of Road Transport and Highways in the Government of India—member;

(d) Minister in-charge of the Ministry of Science and Technology in the Government of India—member;

(e) Cabinet Secretary— member:

Provided further that in case where the Central Government appoints a serving officer as the Chairperson under clause (a) of sub-section (2) of section 3, or the full-time Member under clause (d) thereof, then, no recommendation of the Selection Committee shall be required.

(2) No appointment of the Chairperson or a Member shall be invalid merely by reason of any vacancy of any member in the Selection Committee referred to in sub-section (1).

(3) The appointment of the Member-Secretary of the Commission shall be made by the Central Government in such manner, subject to such terms and conditions, as may be prescribed.

Resignation
and removal
of
Chairperson
and Members.

5. (1) The Chairperson or a Member, other than an *ex officio* Member, may, by notice in writing under his hand addressed to the Central Government, resign his office.

(2) The Central Government may remove the Chairperson or any Member, other than an *ex officio* Member, from his office, in such manner as may be prescribed, if such person—

(a) is adjudged an insolvent;

(b) engages during his term of office in any paid employment outside the duties of his office;

(c) is of unsound mind and stands so declared by a competent court;

(d) has so abused his position as to render his continuance in office prejudicial to the public interest;

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions; or

(f) is convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude:

Provided that no such Member shall be so removed, unless he has been given an opportunity of being heard.

Term of office
of Chairperson
and Members.

6. The Chairperson or a Member, other than an *ex officio* Member, shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier, and shall be eligible for re-appointment.

Member to act
as Chairperson
or to discharge
his functions
in certain
circumstances.

7. (1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of death, resignation or otherwise, the Central Government may, by notification, authorise one of the Members to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, such one of the Members as the Central Government may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

8. The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members, other than *ex officio* Members, shall be such as may be prescribed:

Terms and conditions of service of Chairperson and Members.

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member shall be varied to his disadvantage after his appointment.

9. No act or proceedings of the Commission shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Commission.

Vacancies, etc., not to invalidate proceedings of Commission.

10. (1) The Commission shall meet at such time and place as the Chairperson may think fit.

Procedure to be regulated by Commission.

(2) Subject to the provisions of this Act and the rules made thereunder, the Commission shall have the power to lay down by regulations its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by the Chairperson in this behalf.

(4) The Commission may, by general or special order, subject to such conditions and limitations, if any, as may be specified therein, delegate to the Chairperson, full-time Member, Member-Secretary or any Sub-Committee constituted under section 11, such of its powers under this Act (except the power to make regulations under section 25), as it may deem necessary or expedient for the purpose of protecting and improving the quality of the air in the National Capital Region and adjoining areas.

11. (1) The Commission shall have at least the following three Sub-Committees—

Sub-Committees and other staff of Commission.

(a) Sub-Committee on Monitoring and Identification;

(b) Sub-Committee on Safeguarding and Enforcement;

(c) Sub-Committee on Research and Development.

(2) The Sub-Committee on Monitoring and Identification shall be headed by a Member of the Commission chosen by it and shall have the following additional members, namely:—

(a) one representative from the Central Pollution Control Board;

(b) one representative each from the State Pollution Control Board or Committee, as the case may be, of the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(c) one representative from the National Environmental Engineering Research Institute;

(d) such other members as may be specified by regulations.

(3) The Sub-Committee on Safeguarding and Enforcement shall be headed by the full-time Chairperson of the Commission and shall have the following additional members, namely:—

(a) one representative each, not below the rank of Secretary from the department tackling air pollution from the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(b) one representative each from the State Pollution Control Board or Committee, as the case may be, from the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(c) one officer not below the rank of Inspector General of Police or equivalent from the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(d) such other members as may be specified by regulations.

(4) The Sub-Committee on Research and Development shall be headed by a full-time technical Member of the Commission and shall have the following additional Members, namely:—

(a) two technical representatives from the National Environmental Engineering Research Institute;

(b) one technical representative each from research institutions or Universities or colleges or organisations in the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh;

(c) two technical representatives from the field of medicine and research working or studying on the impact of air pollution on living beings;

(d) such other members as may be specified by regulations.

(5) The Commission may also constitute such other Sub-Committees as it thinks fit.

(6) The members of the Sub-Committees, other than *ex officio* members, shall be paid such allowances as may be prescribed.

(7) The Central Government, in consultation with the Commission, shall determine the nature and the categories of officers and other staff required to assist the Commission in the discharge of its function and provide the Commission with such officers and employees as it may deem fit.

(8) The officers and other staff of the Commission shall discharge their duties and functions under the general superintendence of the Chairperson.

(9) The salaries, allowances and conditions of service of the officers and other staff appointed under sub-section (7) shall be such as may be prescribed.

CHAPTER III

POWERS AND FUNCTIONS OF THE COMMISSION

Powers and
functions of
Commission.

12. (1) Notwithstanding anything contained in any other law for the time being in force, the Commission shall have the power to take all such measures, issue directions and entertain complaints, as it deems necessary or expedient, for the purpose of protecting and improving the quality of the air in the National Capital Region and adjoining areas and shall also have the duty to take all such measures as may become necessary for protecting and improving the quality of air in the National Capital Region and adjoining areas.

(2) In particular and without prejudice to the generality of sub-section (1), the Commission shall, for the purposes of sub-section (1), have the following powers to perform its duties, including taking measures to abate air pollution and to regulate or prohibit activities that are likely to cause or increase air pollution in the National Capital Region and adjoining areas, namely:—

(i) co-ordination of actions by the Governments of the National Capital Territory of Delhi and the States of Punjab, Haryana, Rajasthan and Uttar Pradesh, officers and other authorities under this Act or the rules made thereunder or under any other law for the time being in force, which is relatable to the objects of this Act;

(ii) planning and execution of a programme for the region for prevention, control and abatement of air pollution;

(iii) laying down parameters for the quality of air in its various aspects;

(iv) laying down parameters for emission or discharge of environmental pollutants from various sources whatsoever that have implications on air quality in the region:

Provided that different parameters for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition

of the emission or discharge of environmental pollutants from such sources that have implications on air quality in the region;

(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes, that have implications on air quality in the region, shall not be carried out or shall be carried out subject to certain safeguards;

(vi) carrying out and requiring investigations and research relating to problems of environmental pollution that have implications on air quality in the region;

(vii) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of air pollution in the region;

(viii) collection and dissemination of information in respect of matters relating to air pollution in the region;

(ix) preparation of manuals or codes or guidelines relating to the prevention, control and abatement of air pollution in the region;

(x) appoint officers, with prior approval of the Central Government, with such designations, as it thinks fit, for the purposes of this Act and may entrust to them such of the powers and functions under this Act or for the purposes of achieving the objects of this Act, as it may deem fit;

(xi) issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

Explanation.—For avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) stoppage or regulation of the supply of electricity or water or any other service.

(3) (a) Subject to the provisions of this section, any person authorised by the Commission in this behalf shall have a right to enter, at all reasonable times, and with such assistance as he considers necessary, any place, for the purpose of—

(i) performing any of the functions of the Commission entrusted to him;

(ii) determining whether and if so, in what manner any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, made, given or granted under this Act is being or has been complied with;

(iii) examining and testing any equipment, industrial plant, record, register, document or any other material object or for conducting a search of any building in which he has reasons to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing any such equipment, industrial plant, record, register, document or other material object if he has reasons to believe that it may furnish evidence to the Commission of an offence punishable under this Act or the rules made thereunder or that such seizure is necessary to prevent or mitigate environmental pollution;

(b) every person carrying on any industry, operation or process or handling any hazardous substance shall be bound to render all assistance to the person empowered by the Commission under clause (a) for carrying out the functions under that clause and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act;

(c) if any person wilfully delays or obstructs any person authorised by the Commission under clause (a) in the performance of his functions, he shall be guilty of an offence under this Act;

(d) the provisions of the Code of Criminal Procedure, 1973 shall apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or, as the case may be, under the corresponding provisions of the said law. 2 of 1974.

(4) (a) The Commission or any officer authorised by it in this behalf, shall, for the purpose of analysis, have power to take samples of air from any factory, premises or other place in such manner as may be prescribed;

(b) the result of any analysis of a sample taken under clause (a) shall not be admissible in evidence in any legal proceeding unless the provisions of clauses (c) and (d) are complied with;

(c) subject to the provisions of clause (d), the person taking the sample under clause (a) shall,—

(i) serve on the occupier or his agent or person in-charge of the place, a notice, then and there, in such form as may be prescribed, of his intention to have it so analysed;

(ii) in the presence of the occupier or his agent or person, collect a sample for analysis;

(iii) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent or person;

(iv) send without delay, the container or the containers to the laboratory established or recognised by the Central Government;

(d) when a sample is taken for analysis under clause (a) and the person taking the sample serves on the occupier or his agent or person, a notice under sub-clause (i) of clause (c), then,—

(i) in a case where the occupier, his agent or person wilfully absents himself, the person taking the sample shall collect the sample for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample; and

(ii) in a case where the occupier or his agent or person present at the time of taking the sample refuses to sign the marked and sealed container or containers of the sample as required under sub-clause (iii) of clause (c), the marked and sealed container or containers shall be signed by the person taking the samples,

and the container or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or recognised by the Central Government and such person shall inform the Government Analyst appointed or recognised, about the wilful absence of the occupier or his agent or person, or, as the case may be, his refusal to sign the container or containers.

(5) In discharge of its functions and exercising of its authority, the Commission and the Sub-Committees mentioned in section 11 shall be bound by such general or specific directions of the Central Government, as may be issued from time to time.

(6) In particular and without prejudice to the generality of the foregoing provisions, the Commission shall perform all or any of the following functions, namely:—

(a) take up matters *suo motu*, or on the basis of complaints made by any individual, representative body or organisation functioning in the field of environment, against any individual, association, company, public undertaking or local body carrying on any industry, operation or process;

(b) provide the mechanism and the means to implement in the National Capital Region and adjoining areas—

(i) the National Clean Air Programme;

(ii) the National Air Quality Monitoring Programme;

(iii) the National Ambient Air Quality Standards;

(c) provide an effective framework and platform in the National Capital Region and adjoining areas for—

(i) source identification of air pollutants on a periodic basis;

(ii) taking on-ground steps for curbing air pollution;

(iii) specific research and development in the field of air pollution;

(iv) synergising the energies and efforts of all stakeholders in developing innovative ways to monitor, enforce and research on the issues concerning air pollution;

(v) building a network between technical institutions working or researching in the field of air pollution;

(vi) international co-operation including sharing of international best practices in the field of air pollution;

(vii) training and creating a special work-force for tackling the problem of air pollution;

(d) provide an effective frame work, action plan and take appropriate steps for—

(i) tackling the problem of stubble burning;

(ii) monitoring, assessing and inspecting air polluting agents;

(iii) increasing plantation;

(e) monitoring the measures taken by the States to prevent stubble burning;

(f) undertake and promote research in the field of air pollution;

(g) spread awareness regarding air pollution among various sections of society and promote awareness of the collective steps that the public may take through publications, the media, seminars and other available means;

(h) encourage the efforts of non-governmental organisations and institutions working in the field of air pollution;

(i) any other functions as have been entrusted to any *ad hoc* committee or commission or task force or body formed for the purpose of dealing with issues concerning air pollution, stubble burning or the monitoring of related factors, in pursuance of any judicial order passed from time to time;

(j) such other functions as it may consider necessary for the prevention of air pollution in the National Capital Region and adjoining areas.

Annual report.

13. (1) The Commission shall furnish to the Central Government an annual report containing such details of the steps taken, proposals made, researches awaited and other measures undertaken by it in pursuance of its functions under section 12, in such form and manner as may be specified by regulations.

(2) The Central Government shall cause the annual report furnished under sub-section (1) to be laid before each House of Parliament.

Penalty for contravention of provisions of Act, rules, order or direction.

14. (1) Any non-compliance or contravention of any provisions of this Act, rules made thereunder or any order or direction issued by the Commission, shall be an offence punishable with imprisonment for a term which may extend up to five years or with fine which may extend up to one crore rupees or with both:

Provided that the provisions of this section shall not apply to any farmer for causing air pollution by stubble burning or mismanagement of agricultural residue.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence under this Act shall be non-cognizable and triable by the Jurisdictional Judicial Magistrate of the First Class, who shall not take cognizance of the offence except upon a complaint made by the Commission or any officer authorised by the Commission in this behalf. 2 of 1974.

(3) Where any offence under this Act has been committed by a company, every person who, at the time when the offence was committed, was directly in-charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(4) Notwithstanding anything contained in sub-section (3), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of sub-sections (3) and (4),—

(a) "company" means any body corporate, and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

(5) Where an offence under this Act has been committed by any Department of the Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(6) Notwithstanding anything contained in sub-section (5), where an offence under this Act has been committed by a Department of Government and it is proved that the

offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

2 of 1974.

(7) For the purpose of this section and the procedure to be followed thereunder, the provisions of the Code of Criminal Procedure, 1973, shall apply.

15. The Commission may impose and collect environmental compensation from farmers causing air pollution by stubble burning, at such rate and in such manner, as may be prescribed. Environmental compensation.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

16. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act. Grants by Central Government.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

17. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India. Accounts and audit.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Commission and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER V

MISCELLANEOUS

19 of 2010.

18. An appeal shall lie to the National Green Tribunal constituted under the National Green Tribunal Act, 2010 against any order, direction or action taken by or on behalf of the Commission constituted under section 3. Appeal.

Constitution of special investigation teams.

19. Notwithstanding anything contained in any other law for the time being in force, or any judicial order by any Court, where the Commission considers it necessary so to do, it may constitute one or more special investigation teams, consisting of such officers or such persons, as it thinks necessary, for the purposes of carrying out its functions under this Act.

Power of Central Government to issue direction.

20. Notwithstanding anything contained in any other law for the time being in force, but subject to the provision of this Act, the Central Government may issue in writing such direction, as it deems fit, to the Commission or any person, officer or authority authorised by the Commission, and the Commission, person, or authority, as the case may be, shall be bound to comply with such direction.

Power of Central Government to call for information.

21. The Central Government may, from time to time, call for such information and reports from the Commission, as it deems fit and the Commission shall be bound to provide such information and report.

Bar of jurisdiction.

22. No civil court shall have jurisdiction to entertain any suit, proceeding or dispute pertaining to or arising out of the actions taken or directions issued by the Commission in respect of any matter which the Commission is empowered by or under this Act.

Protection of action taken in good faith.

23. No suit or other legal proceeding shall lie against the Central Government, the Commission, or any Member thereof, or any person acting under the direction of either the Central Government or the Commission in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or any order made thereunder.

Members and officers to be public servants.

24. Every Member of the Commission and every officer appointed or authorised by the Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Power of Central Government to make rules.

25. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the other Associate Members under clause (h) of sub-section (3) of section 3;

(b) the manner of removal of Chairperson or a Member under sub-section (2) of section 5;

(c) the salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members under sub-section (1) of section 8;

(d) the allowance payable to the members, other than *ex officio* members of the Sub-Committees, under sub-section (6) of section 11;

(e) the appointment of officers and other staff under sub-section (7) of section 11;

(f) the salaries, allowances and conditions of service of the officers and other staff under sub-section (9) of section 11;

(g) the manner of taking samples under clause (a) and the form of notice under sub-clause (i) of clause (c), of sub-section (4) of section 12;

(h) the rate at which, and the manner in which, the environmental compensation shall be imposed and collected under section 15;

(i) the form in which annual statement of accounts shall be prepared under sub-section (1) of section 17;

(j) any other matter which has to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

26. (1) Subject to the provisions of this Act and the rules made thereunder, the Commission may, with the previous approval of the Central Government, by notification, make regulations to carry out the provisions of this Act.

Power of Commission to make regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the procedure to be followed by the Commission under sub-section (2) of section 10;

(b) the conditions and limitations subject to which power may be delegated by the Commission under sub-section (4) of section 10;

(c) the members of each Sub-Committee under sub-sections (2), (3) and (4) of section 11;

(d) the form and the manner of furnishing annual report under section 13;

(e) any other matter which has to be, or may be, specified by regulations.

(3) Every regulation made by the Commission under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.

27. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Act to have overriding effect.

28. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, any document, judgment, order, bye-law, rule, regulation, notification having the force of law in the territory of India.

(2) Notwithstanding anything contained in any other law for the time being in force or any judgment or any order of any Court and subject to the provisions of this Act, upon the notification of the constitution of the Commission under section 3, no other individual or body or authority constituted either under a law enacted by Parliament, or by a State, or appointed or nominated in terms of any judicial order, shall act upon or have jurisdiction in relation to the matters covered by this Act.

Repeal and savings of order constituting Environment Pollution (Prevention and Control) Authority for National Capital Region.

29. (1) The Order made under section 3 of the Environment (Protection) Act, 1986 constituting the Environment Pollution (Prevention and Control) Authority for the National Capital Region *vide* notification number S.O.93(E), dated the 29th January, 1998 is hereby repealed and the Environment Pollution (Prevention and Control) Authority for the National Capital Region is hereby dissolved.

29 of 1986.

(2) Notwithstanding such repeal, anything done or any action taken by the Environment Pollution (Prevention and Control) Authority for the National Capital Region under the said Order, shall be deemed to have been done or taken under the corresponding provisions of this Act.

Savings.

30. Notwithstanding the cessation of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2020, anything done or any action taken under the Ordinance so ceased, shall be deemed to have been done or taken under the corresponding provisions of this Act.

Ord. 13 of 2020.

Repeal and savings.

31. (1) The Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2021 is hereby repealed.

Ord. 4 of 2021.

(2) Notwithstanding such repeal, anything done or any action taken under the Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2021 shall be deemed to have been done or taken under the corresponding provisions of this Act.

Ord. 4 of 2021.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.

N. Subrahmanyam

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COMMISSION FOR AIR QUALITY MANAGEMENT
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS

GRADED RESPONSE ACTION PLAN (GRAP) FOR NCR

(Revision : Oct' 2023)

1. The GRAP for the NCR has been classified under 4 different stages of adverse air quality in Delhi viz. Stage – I 'Poor' (AQI 201 – 300), Stage – II 'Very Poor (AQI 301-400), Stage – III 'Severe' (AQI 401-450) and Stage – IV 'Severe +' (AQI >450) respectively.
2. Based on the dynamic model and weather/ meteorological forecast by IMD / IITM on a day-to-day basis, actions under Stages II, III and IV of the GRAP shall be invoked at least three days in advance of the AQI reaching to the projected levels of that stage.
3. Restrictive actions undertaken as per previous stages shall be continued, in addition to the air pollution stage under which the restrictive actions are envisaged to be taken. For example, restrictive actions under the Stage III category, whenever invoked, shall be in addition to those under Stage I and II respectively and so on and so forth.
4. The Sub-Committee on GRAP constituted by the Commission shall meet frequently to plan for advance action and issue necessary orders for invoking various provisions of the GRAP, based on the prevalent air quality and the AQI forecast to be provided by IMD from time to time. The Sub-Committee shall also review the actions taken by various agencies responsible towards effective implementation of the GRAP.
5. The Chief Secretaries of NCR States and GNCTD shall frequently review the actions and implementation of the GRAP especially when the air quality falls or is likely to fall in the 'Severe' or 'Severe +' category (Stage III and beyond).
6. The Commission may decide upon additional measures and exceptions to the schedule of the GRAP, under different air pollution categories i.e., Stages I to IV, as per the prevalent AQI and weather forecast.

3/10/23

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Schedule under the GRAP for NCR

Stage I – 'Poor' Air Quality (DELHI AQI ranging between 201-300)	
Actions	Agencies responsible / Implementing Agencies
<p>1. Ensure proper implementation of Directions/ guidelines on dust mitigation measures in Construction and Demolition (C&D) activities and sound environmental management of C&D waste.</p> <p>2. Ensure strict compliance of Direction Nos. 11-18 dated 11.06.2021 not to permit C&D activities in respect of such projects with plot size equal to or more than 500 sqm which are not registered on the 'web portal' of the respective state / GNCTD, for remote monitoring of dust mitigation measures.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - Construction agencies and plot owners (both public & private).
<p>3. Ensure regular lifting of Municipal Solid Waste (MSW), Construction & Demolition (C&D) waste, and Hazardous wastes from dedicated dump sites and ensure that no waste is dumped illegally in open land areas.</p>	<ul style="list-style-type: none"> - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - All land-owning agencies - Construction agencies (both public & private).
<p>4. Carry out periodic mechanized sweeping and water sprinkling on roads and ensure scientific disposal of the dust collected in designated sites/landfills.</p>	<ul style="list-style-type: none"> - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - Chief Executives of all road owning and maintaining agencies.

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<p>5. Ensure that C&D materials & waste are properly stored/ contained, duly covered in the premises. Ensure transportation of C&D waste in covered vehicles and its recycling at an appropriate processing facility.</p> <p>6. Strictly enforce directions and yardsticks for use of anti-smog guns at C&D sites.</p> <p>7. Intensify use of anti-smog guns, water sprinkling and dust suppression measures in road construction / maintenance / repair projects.</p>	<ul style="list-style-type: none"> - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - All construction agencies and plot owners (both public & private). - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - All construction agencies and plot owners (both public & private). - All road owning / maintenance agencies in NCR.
<p>8. Stringently enforce prohibition on open burning of biomass and municipal solid waste. Impose maximum EC upon violations in accordance with Hon'ble NGT's orders dated 04.12.2014 and 28.04.2015 in OA 21/2014.</p> <p>9. Strict vigil to ensure that there are no burning incidents in the landfill sites / dumpsites.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - All land-owning agencies.
<p>10. Deploy traffic police for smooth traffic flow at all identified corridors with heavy traffic and congestion prone intersections.</p>	<ul style="list-style-type: none"> - Commissioner or Head of Traffic Police in Delhi and NCR towns.
<p>11. Strict vigilance and enforcement of PUC norms for vehicles.</p> <p>12. No tolerance for visible emissions – Stop visibly polluting vehicles by impounding and / or levying maximum penalty.</p>	<ul style="list-style-type: none"> - Commissioner or Head of Transport Department of Delhi and NCR States - Commissioner or Head of Traffic Police of Delhi and NCR towns.
<p>13. Strictly enforce the Hon'ble Supreme Court order on diversion of non- destined truck traffic for Delhi, through Eastern and Western Peripheral Expressways.</p>	<ul style="list-style-type: none"> - Head of Traffic Police of NCT of Delhi and NCR towns. - District Magistrates / Deputy Commissioners of NCT of Delhi / NCR towns - Municipal Commissioner of Corporations of

2014

	NCT of Delhi and NCR towns.
14. Strictly enforce NGT / Hon'ble SC's order on overaged diesel / petrol vehicles and as per extant statutes.	<ul style="list-style-type: none"> - Commissioner or Head of Transport Department of Delhi and NCR States - Commissioner or Head of Traffic Police of Delhi and NCR towns.
<p>15. Ensure strict penal/ legal action against non-compliant and illegal industrial units.</p> <p>16. Stringently enforce all pollution control regulations in Industries, brick kilns and hot mix plants etc. - strict compliance of the prescribed standards of emissions.</p> <p>17. Ensure that only approved fuels are used by the industries in NCR including in brick kilns and hot mix plants and enforce closure in case of violations, if any.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - District Magistrates / Deputy Commissioners of NCT of Delhi / NCR Towns - Commissioners of Urban Local Bodies in Delhi and NCR towns.
18. Stringently enforce emission norms in thermal power plants and strict actions be taken against non-compliance.	<ul style="list-style-type: none"> - Plant in- charge of Power Plants located within 300 km radius of Delhi. - Chairpersons – CPCB, DPCC, SPCBs (NCR).
19. Strictly enforce Hon'ble Courts / Tribunal orders regarding ban on firecrackers.	<ul style="list-style-type: none"> - Commissioner of Police of Delhi & IG / DIG / SP of NCR towns or Officer In charge of Licensing. - DMs/ DCs of respective districts in NCR. - Chief controller of Explosives, Petroleum and Explosive Safety Organizations (PESO).
20. Ensure regular lifting and proper disposal of industrial waste from industrial and non-development areas.	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Commissioners/ Chief Engineers of Urban Local Bodies in Delhi-NCR towns - All land-owning agencies. - District Magistrate / Deputy Commissioners in NCR.
21. DISCOMs - to minimise power supply interruptions in NCR.	<ul style="list-style-type: none"> - Head of Power distribution companies in NCR.

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22. Ensure that diesel generator sets are not used as regular source of power supply.	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - DMs/ DCs of respective districts of NCR.
23. Enforce complete ban on coal / firewood in Tandoors in Hotels, Restaurants and open eateries. 24. Ensure hotels, restaurants and open eateries use only electricity / clean fuel gas-based appliances.	<ul style="list-style-type: none"> - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns. - Chairpersons – CPCB, DPCC, SPCBs (NCR).
25. Information dissemination including through social media and bulk SMS etc. Mobile Apps to be used to inform people about the pollution levels, contact details of control room, enable them to report polluting activities / sources to the concerned authorities and inform them about actions that would be taken by Government.	<ul style="list-style-type: none"> - ACS/ Pr. Secretary/ Secretary, Dept. of Environment, GNCTD and NCR States. - Chairpersons – CPCB, DPCC, SPCBs (NCR).
26. Ensure quick actions for redressal of complaints on 311 APP, Green Delhi App, SAMEER App and other such social media platforms to curb polluting activities.	<ul style="list-style-type: none"> - Head of Urban Local Bodies in NCR towns. - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Construction agencies, land owning agencies, Development agencies and all other concerned implementing agencies.
27. Encourage offices to start unified commute for employees to reduce traffic on road.	<ul style="list-style-type: none"> - State Governments in NCR and GNCTD.
CITIZEN CHARTER	<ul style="list-style-type: none"> • Keep engines of your vehicles properly tuned. • Maintain proper tyre pressure in vehicles. • Keep PUC certificates of your vehicles up to date. • Do not idle your vehicle, also turn off the engine at red lights. • Prefer hybrid vehicles or EVs to control vehicular pollution. • Do not litter / dispose wastes, garbage in open spaces. • Report air polluting activities through 311 App, Green Delhi App, SAMEER App etc. • Plant more trees. • Celebrate festivals in an eco-friendly manner – avoid firecrackers. • Do not drive/ply end of life/ 10/15 years old Diesel/Petrol vehicles.

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Stage II – 'Very Poor' Air Quality (DELHI AQI ranging between 301-400)	
Actions under the Stage II of the GRAP shall be invoked at least three days in advance of the AQI reaching to the projected levels of 301-400, based on the dynamic air quality forecast system to be provided to the Commission by IMD / IITM on a day-to-day basis.	
Actions	Agencies responsible / Implementing Agencies
1. Carry out mechanical/ vacuum sweeping and water sprinkling of the identified roads on a daily basis. 2. Ensure water sprinkling along with use of dust suppressants (at least every alternate day, during non-peak hours) on roads to arrest road dust especially at hotspots, heavy traffic corridors, vulnerable areas and proper disposal of dust collected in designated sites/landfills.	<ul style="list-style-type: none"> - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - Chief Executives of all road owning and maintaining agencies. - Commissioner of Traffic Police of Delhi & NCR towns to identify roads with heavy traffic and provide information to respective Municipal Commissioners.
3. Intensify inspections for strict enforcement of dust control measures at C&D sites.	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Commissioners / Chief Engineers of Urban Local Bodies in Delhi and NCR towns.
4. Ensure focussed and targeted action for abatement of air pollution in all identified hotspots in NCR. Intensify remedial measures for the predominant sector(s) contributing to adverse air quality in each of such hotspots.	<ul style="list-style-type: none"> - State Govts. in NCR and GNCTD. - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Commissioners / Chief Engineers of Urban Local Bodies in Delhi and NCR towns.
5. Ensure uninterrupted power supply to discourage use of alternate power Generating sets/ equipment (DG sets etc.).	<ul style="list-style-type: none"> - Additional Chief Secretary / Principal Secretary (Power), NCR State Governments / GNCTD - Head of Power Distribution Companies of Delhi and NCR Districts.

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6. Strictly implement the following Schedule for regulated operations of DG sets across all sectors in the NCR including Industrial, Commercial, Residential and offices etc in accordance with Direction No. 76 dated 29.09.2023.		
Capacity Range of DG sets	System to be adopted for control of emissions	Regulations for use
Power generating sets of all capacities running on LPG/ Natural Gas/ Bio-gas/Propane/Butane	None	No restrictions
Power generating sets of all capacities up to 800 kW to standards as per MoEFCC notification No. GSR 804(E) dated 03.11.2022	None	No restrictions.
800 kW and above	Any emission control mechanism, strictly subject to compliance of the prescribed emission standards	No restrictions
125 kW to less than 800 kW	Dual fuel mode OR Retro-fitted ECDs through certified vendors / agencies	No restrictions
19 kW to less than 125 kW	Dual fuel mode	No restrictions DG Sets not working in a dual fuel mode, only owing to non-availability of gas infrastructure and supply, shall be permitted only for prescribed emergency services.
Portable DG sets (below 19 kW)	Presently no specific means of emission control are available in this category /	Not to be generally permitted. These shall, however, be permitted only

- Chairpersons – CPCB, DPCC, SPCBs (NCR).
- Commissioners / Chief Engineers of Urban Local Bodies in Delhi and NCR towns.
- District Magistrates / Deputy Commissioners of NCR States and GNCTD.

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	capacity range of DG sets.	for prescribed emergency services.
<p>Note: In the interest of not disrupting emergency services and permitting sufficient time for adopting the stipulated emission control mechanism in existing DG Sets, as a one-time exception, DG Sets for all capacity ranges (which have still not been equipped with emission control devices / systems as per the above noted schedule), shall be permitted to be run only for emergency services in the NCR as listed below, only up to 31.12.2023 and strictly subject to adherence to the above noted measures for emission control, thereafter:</p>		
<ul style="list-style-type: none">(i) Elevators / Escalators / Travelators etc. in various installations; Commercial entities / residential societies shall, however, ensure that operation of DG sets and supply therefrom is purely limited to operation of elevators / escalators / travelators etc. and not for any other activities of commercial entities / residential societies.(ii) Medical Services (Hospital/Nursing Home/Health care facilities) including units involved in manufacturing of life saving medical equipment/devices, drugs and medicines.(iii) Railway Services / Railway Stations.(iv) Metro Rail Corporation & MRTS Services, including trains and stations.		

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<p>(v) Airports and Inter-State Bus Terminals (ISBTs).</p> <p>(vi) Sewage Treatment Plants.</p> <p>(vii) Water pumping Stations.</p> <p>(viii) Projects related to national security, defence & of national importance.</p> <p>(ix) Telecommunications and IT/ data services.</p>	
<p>7. Synchronize traffic movements and deploy adequate personnel at intersections / traffic congestion points for smooth flow of traffic.</p>	<p>- Commissioner or Officer in charge - Traffic Police of Delhi and NCR towns.</p>
<p>8. Alert in newspapers / TV / radio to advise people about air pollution levels and Do's and Don'ts for minimizing polluting activities.</p>	<p>- Chairpersons – CPCB, DPCC, SPCBs (NCR).</p>
<p>9. Enhance Parking fees to discourage private transport.</p>	<p>- Chief Secretary and Principal Secretary, Urban Local Bodies of NCR States and GNCTD.</p> <p>- Commissioners of Urban Local Bodies in Delhi and NCR towns.</p>
<p>10. Augment CNG/ electric bus and metro services by inducting additional fleet and increasing the frequency of service.</p>	<p>- NCR State Governments.</p> <p>- Principal Secretary, Department of Transport, of NCT of Delhi and NCR State Govts.</p> <p>- Delhi Transport Corporation (DTC).</p> <p>- State Transport Corporation in NCR towns.</p> <p>- Delhi Integrated Multi – Model Transit System Ltd. (DIMTS).</p> <p>- Delhi Metro Rail Corporation (DMRC).</p>
<p>11. Resident Welfare Associations to necessarily provide electric heaters to security staff to avoid open Bio-Mass and MSW burning during winters.</p>	<p>- Resident Welfare Associations.</p>
<p>CITIZEN CHARTER</p>	<ul style="list-style-type: none"> • People to use public transport and minimize use of personal vehicles. • Use technology, take less congested route even if slightly longer. • Regularly replace air filters at recommended intervals in your automobiles. • Avoid dust generating construction activities during months of October to January. • Avoid open burning of solid waste and bio-mass.

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Stage III – 'Severe' Air Quality (DELHI AQI ranging between 401-450)	
Actions under the Stage III of the GRAP shall be invoked at least three days in advance of the AQI reaching to the projected levels of > 400, based on the dynamic air quality forecast system to be provided to the Commission by IMD / IITM on a day-to-day basis.	
Actions	Agencies responsible / Implementing Agencies
1. Further intensify the frequency of mechanised/ vacuum-based sweeping of roads. 2. Ensure daily water sprinkling along with dust suppressants, before peak traffic hours, on roads and right of ways including hotspots, heavy traffic corridors and ensure proper disposal of the collected dust in designated sites/ landfills.	<ul style="list-style-type: none"> - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - Chief Executives of all road owning and maintaining agencies. - Commissioner of Police / Head of Traffic Police in Delhi & NCR towns to identify roads with heavy traffic and provide information to respective Municipal Commissioners / Head of Municipal Bodies.
3. Further intensify public transport services. Introduce differential rates to encourage off-peak travel.	<ul style="list-style-type: none"> - Secretary cum Commissioner of Transport Department, NCT of Delhi - Transport Commissioners of NCR States. - Managing Director, Delhi Metro Rail Corporation (DMRC). - Chairpersons, State Transport Corporations.
4. Construction & Demolition activities: (i) Enforce strict ban on construction and demolition activities in the entire NCR, except for the following categories of projects: (a) Projects for Railway services / Railway stations (b) Projects for Metro Rail Services and stations (c) Airports and Inter State Bus Terminals (d) National security/ defence related activities/ projects of national importance; (e) Hospitals/ health care facilities (f) Linear public projects such as highways, roads, flyovers, over bridges, power transmission/ distribution, pipelines etc. (g) Sanitation projects like sewage treatment plants and water supply projects etc.; (h) Ancillary activities, specific to and supplementing the above noted categories of projects.	<ul style="list-style-type: none"> - NCR State Governments and GNCTD - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Commissioners / Chief Engineers of Urban Local Bodies in Delhi and NCR towns.

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Note: The above exemptions shall be further subject to strict compliance of the C&D Waste Management Rules, dust prevention/ control norms including compliance with the directions of the Commission issued from time to time in this regard.

(ii) Other than the projects exempted under (i) above, dust generating/ air pollution causing C&D activities to be strictly banned during this period shall include:

- Earthwork for excavation and filling including boring & drilling works.
- All structural construction works including fabrication and welding operations.
- Demolition works.
- Loading & unloading of construction materials anywhere within or outside the project sites.
- Transfer of raw materials either manually or through conveyor belts, including fly ash.
- Movement of vehicles on unpaved roads.
- Operation of batching plant.
- Laying of sewer line, waterline, drainage work and electric cabling by open trench system.
- Cutting and fixing of tiles, stones and other flooring materials.
- Grinding activities.
- Piling work.
- Water Proofing work.
- Painting, Polishing and varnishing works etc.
- Road construction/ repair works including paving of sidewalks / pathways and central verges etc.

(iii) For all construction projects in NCR, non-polluting / non-dust generating activities such as plumbing works, electrical works,

<p>carpentry, related works and interior furnishing / finishing / decoration works (excluding painting, polishing and varnishing works etc) shall be permitted to be continued.</p>	
<p>5. Close down operations of stone crushers</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR) - Commissioner of Police - Delhi and DG of Police of NCR States - District Magistrates / Deputy Commissioners of respective districts in Delhi and NCR States.
<p>6. Close down all mining and associated activities in the NCR.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - District Magistrates / Deputy Commissioners of respective districts in NCR. - Commissioner of Police - Delhi and IG / DIG / SP of NCR towns.
<p>7. NCR State Govts. / GNCTD to impose strict restrictions on plying of BS III petrol and BS IV diesel LMVs (4 wheelers) in Delhi and in the districts of Gurugram, Faridabad, Ghaziabad and Gautam Budh Nagar.</p>	<ul style="list-style-type: none"> - State Governments in NCR and GNCTD. - Commissioner or Head of Transport Department - Commissioner of Police / Head of Traffic Police of Delhi and NCR towns.
<p>8. State Govts. in NCR and GNCTD may take a decision on discontinuing physical classes in schools for children up to Class V and conducting classes in an online mode.</p>	<ul style="list-style-type: none"> - State Governments of NCR & GNCTD.
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">CITIZEN CHARTER</p>	<ul style="list-style-type: none"> • Walk or use cycles for small distances. • Choose a cleaner commute. Share a ride to work or use public transport. • People, whose positions allow working from home, may work from home. • Do not use coal and wood for heating purpose. • Individual house owners may provide electric heaters (during winters) to security staff to avoid open burning. • Combine errands and reduce trips.

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Stage IV – 'Severe +' Air Quality (DELHI AQI > 450)	
Actions under the Stage IV of the GRAP shall be invoked at least three days in advance of the AQI reaching to the projected levels of > 450, based on the dynamic air quality forecast system to be provided to the Commission by IMD / IITM on a day-to-day basis.	
Actions	Agencies responsible / Implementing Agencies
1. Stop entry of truck traffic into Delhi (except for trucks carrying essential commodities/ providing essential services and all LNG/ CNG / electric trucks). 2. Do not permit LCVs registered outside Delhi, other than EVs / CNG / BS-VI diesel, to enter Delhi, except those carrying essential commodities / providing essential services.	<ul style="list-style-type: none"> - State Governments - Transport Commissioners, GNCTD/ NCR States - Commissioners / Head of Urban Local Bodies in Delhi-NCR towns. - Commissioner of Police / Head of Traffic Police of Delhi and NCR towns.
3. Ban on plying of Delhi - registered diesel operated Medium Goods Vehicles (MGVs) and Heavy Goods Vehicles (HGVs) in Delhi, except those carrying essential commodities / providing essential services.	<ul style="list-style-type: none"> - State Governments of NCR & GNCTD - Transport Commissioners, GNCTD/ NCR States. - Commissioner of Police / Head of Traffic Police of Delhi and NCR towns.
4. Ban C&D activities also in linear public projects such as highways, roads, flyovers, overbridges, power transmission, pipelines etc.	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs - Commissioners / Chief Engineers of Urban Local Bodies in Delhi - NCR towns. - Nodal officers of road owning agencies (dust control and management cells).
5. NCR State Govts. and GNCTD may take a decision on discontinuing physical classes even for classes VI – IX, class XI and conduct lessons in an online mode.	<ul style="list-style-type: none"> - State Governments of NCR & GNCTD.
6. NCR State Governments / GNCTD to take a decision on allowing public, municipal and private offices to work on 50% strength and the rest to work from home.	<ul style="list-style-type: none"> - State Governments of NCR & GNCTD.

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N. Subrahmanyam

7. Central Government may take appropriate decision on permitting work from home for employees in central government offices.	- Central Government (DoPT).
8. State Governments may consider additional emergency measures like closure of colleges/ educational institutions and closure of non-emergency commercial activities, permitting running of vehicles on odd-even basis of registration numbers etc.	- State Governments of NCR & GNCTD.
CITIZEN CHARTER	<ul style="list-style-type: none"> • Children, elderly and those with respiratory, cardiovascular, cerebrovascular or other chronic diseases to avoid outdoor activities and stay indoors, as much as possible.



N. Subrahmanyam

(एन. सुब्रह्मण्यम)
 (N. SUBRAHMANYAM)
 वैज्ञानिक 'डी' / Scientist 'D'
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 भारत सरकार, नई दिल्ली
 Govt. of India, New Delhi

Government of India
Ministry of Environment, Forest and Climate Change
Legal Monitoring Cell

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Date: 02/01/2024

Subject: Engagement of Panel Counsel

Ref.: - Request from division on mail dated 02/01/2024

Respected Sir,

Shlok Chandra (9999670588 & shlokchandra@gmail.com)

You are engaged to appear and conduct the case mentioned below for all purposes on behalf of this Ministry till the disposal of the case or expiry of your term of engagement or until further orders, whichever is earlier.

2. Details of the case are as follows:-

Court: NGT (PB), New Delhi

Case No.: OA No. 638/2023 (PB)

Title of the Case: News item appearing in Times of India dated 10.10.2023 entitled "Feeling anxious? Toxic air could be to blame".

Concerned Division of the Ministry: CPA

Name and contact of the Divisional Head: AS (NPG) & 011-20819247

Email ID: asnpg.mefcc@gov.in

Name and contact of the dealing Associate (Legal): Ms. Sanjana Rawat

Ph. No. 9958508121

Email ID: sanjana.r1994@gmail.com

Next Date of hearing: 14/02/2024

3. **This engagement is subject to the following conditions:-**

- i. The engagement is governed by O.M. No. 17(21)/2020-PL/NGT Dated 22.08.2022, 02.03.2023 and O.M. No. 17(21)/2017-PL/NGT on dated 01.12.2017, 07/02/2019 and 04/05/2020, Policy and Law Division, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, New Delhi read with relevant circulars/instructions issued by this Ministry from time to time.
- ii. In case you are unable to attend the case for some reason, sufficient advance intimation should be given to the concerned Division.
- iii. To return the brief on expiry of your term/disposal of the case to the Ministry of Environment, Forest and Climate Change, or till further orders.
- iv. To intimate the Ministry the progress of the case regularly including obtaining and forwarding certified copy of the Order/Judgement to the concerned Division whenever necessary.
- v. To appear on behalf of this Ministry in person, and **not through a junior counsel** in the matters marked to you.
- vi. The engagement is acknowledged.

Smita
(Legal Monitoring Cell)
MoEF&CC, New Delhi

स्मिता सालवे/Smita H. Salve
वरिष्ठ परामर्शी (वैधिक)
Senior Consultant Legal
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Mo Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

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Chandralaw chambers <admin@chandralawchambers.com>

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Proof of Service

OA No. 638 of 2023, In re: News Item appearing in Times of India dated 10.10.2023 titled "Feeling anxious"?

Chandralaw chambers <admin@chandralawchambers.com>

Thu, Jan 18, 2024 at 6:13 PM

To: mscb.cpcb@nic.in, secy-dg@icmr.gov.in, director@aiims.gov.in, pshealth@nic.in

Cc: secy-moef@nic.in, Shlok Chandra <shlokchandra@chandralawchambers.com>

Dear All,

Please find attached the copy of supplementary affidavit along with the application filed in the captioned matter. The same shall be deemed as an advance service on your goodself.

Regards,

Saumya Pandey

Chandra Law Chambers

A-22, ground floor, Defence Colony, New Delhi-110024

+91-9999670588 | 011-47572618

<http://shlokchandra.in>

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2 attachments **Application Cost Waiver in OA NO. 638 of 2023.pdf**
3009K **Supplementary Affidavit in OA NO 638 of 2023.pdf**
12296K