

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 1008 of 2019

**In Re: Air Quality Deterioration In And Around Delhi as reported
in Print and Electronic Media**

Date of hearing: 04.11.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

ORDER

1. Taking cognizance of deterioration of air quality in Delhi which is reported to be at 494 at 4.00 PM on Sunday, 03.11.2019, the Tribunal took cognizance of the matter and placed it for consideration before all the Members. The Chairman and Member Secretary of CPCB were asked to remain present and they are present.
2. We may note the report in some of today's newspapers. In 'The Hindu', the matter is reported under the heading 'Delhi Chokes as air pollution levels hit a three-year high'. It is reported that the Cabinet Secretary will monitor the situation on daily basis and the matter was reviewed by the Principal Secretary to Hon'ble Prime Minister. Thick haze has disrupted the flight operations. There are similar news items in other newspapers. In Indian Express it is reported under the heading 'Capital air crosses severe level, PMO steps in, Centre to monitor. In the Times of India, report is under the heading '*Atmosfear*: Delhi Victim of Sick Choke, Capital a Gas Chamber After Light Drizzle. In the Hindustan Times, the heading is 'Capital Punishment- Bhopal Gas tragedy occurred once and it has been dealt with, but this gas tragedy is occurring every year and is not properly dealt with'.

3. This Tribunal has been established with a view to provide effective access to judicial remedies for enforcement of right to healthy environment which is part of Right to Life under Article 21. The Tribunal is to enforce principles of 'Sustainable Development', 'Precautionary Principle' and 'Polluter Pays', which are well known in environmental jurisprudence and have been mentioned *inter alia* in (1996) 3 SCC 212, Indian Council for Enviro Legal Action & Ors. v. UOI & Ors.
4. The Air (Prevention and Control of Pollution) Act, 1981 has been enacted with a view to take remedial action against violation of prescribed standards of air quality. Such standards are laid down under Section 16(2)(h) of the Air Act. In spite of statutory provisions, large scale air pollution is well acknowledged. The Hon'ble Supreme Court has issued directions in various matters. This Tribunal has also dealt with the issue in several cases including the matter dealing with 122 'non-attainment cities' in the Country where the air quality is beyond prescribed norms and on the subject preventing 'crop residue burning'¹. The air pollution is source of diseases and threat to life. As per several studies statics of death and health hazards have been given. The problem is well acknowledged. Today's situation is not creation of one day. It is continuous negligence and apathy of statutory authorities in enforcing the law. While remedial action may continue to be taken in the best possible manner, there is urgent need to have proper planning to address the gaps in existing enforcement strategies and existing undesirable situation. There is need to ascertain why there is failure and what should be the

¹ See order dated 06.08.2019 OA 681 of 2018, News Item published in "The Times of India" Authored by Shri Vishwa Mohan Titled 'NCAP with multiple timelines to clean air in 102 cities to be released around August 15' and order dated 15.10.2019 in OA No. 666/2018, Smt. Ganga Lalwani v. UOI & Ors. on crop residue burning.

preventive strategies and remedial measures to ensure that present situation does not recur in future.

5. After interaction with the Chairman and Member Secretary of CPCB who have presented detailed analysis of the situation, we find it necessary to further examine the matter after looking into the status of implementation of GRAP and other measures including preventive strategies currently adopted.
6. List the matter for further consideration on 05.11.2019 at 10.30 AM. The Chief Secretary, Delhi, Chairman, DPCC, Member Secretary, CPCB and the concerned Joint Secretary, MoEF&CC may remain present in person.
7. A copy of this order be sent by e-mail to Chief Secretary, Delhi, Chairman, DPCC, Member Secretary, CPCB and the concerned Joint Secretary, MoEF&CC.

Adarsh Kumar Goel, CP

Justice Raghuvendra S. Rathore, JM

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Satyawan Singh Garbyal, EM

Dr. Nagin Nanda, EM

Saibal Dasgupta, EM

November 04, 2019