

Item No. 04

Court No. 1

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

Original Application No. 627/2019

(With report dated 01.10.2019)

Social Action for Forest and Environment (SAFE)

Applicant(s)

Versus

Union of India & Anr.

Respondent(s)

Date of hearing: 14.11.2019

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

For Applicant(s): Mr. Salik Shafique, Advocate

For Respondent(s): Ms. Suman Arora, Advocate for CPCB

ORDER

1. The issue for consideration is the effectiveness of monitoring regime to ensure that accredited laboratories furnish credible reports with regard to analysis of air, water and other samples. It is undisputed that such reports are the basis for enforcement of law under the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974 and the Environment (Protection) Act, 1986 (EP Act). According to the applicant, there are large scale grievances against authenticity of reports furnished by the laboratories which are not being properly monitored.
2. Vide order dated 03.09.2019, this Tribunal directed the Central Pollution Control Board (CPCB) to furnish a response to the said

allegation. Response filed by the CPCB by way of compliance report dated 01.10.2019 merely mentions the procedure for recognition of laboratories and their functions. Only further comment is that CPCB conducts Analytical Quality Control (AQC) exercises. There is a four years AQC plan. The report is silent about the findings with regard to functioning of the laboratories and the level of accuracy of the reports furnished by such laboratories. AQC/Proficiency test must be conducted by CPCB atleast once in two years with the participation of the concerned laboratories. For this purpose, CPCB is at liberty to engage appropriate manpower, including suitable retired personnel, utilizing available environmental compensation fund. Further report in this regard may be filed by the CPCB before the next date by e-mail at judicial-ngt@gov.in.

3. Learned Counsel for the applicant points out that as per notification dated 21.02.1991 issued under Section 23 of the EP Act, recognition of private laboratories and analysts is to be done by the Central Government. Thus, list of such laboratories and analysts, monitoring mechanism about their functioning and result of such monitoring has to be made available by the MoEF&CC.

4. In view of above, let MoEF&CC furnish information about the list of laboratories and analysts recognized, monitoring mechanism in place and result of such monitoring before the next date by e-mail at judicial-ngt@gov.in. Since MoEF&CC is not represented today, a copy of this order be sent to MoEF&CC by e-mail for compliance.

List again on 04.02.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

Saibal Dasgupta, EM

November 14, 2019
Original Application No. 627/2019
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