

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

Original Application No. 687/2023

In re: **Air Quality Index in various Cities**

Date of hearing: 03.11.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. This original application is registered in *suo moto* exercise of powers on the basis of the Air Quality Bulletins of CPCB posted on their website in respect of Air Quality Index (AQI) for different cities from 20.10.2023 to 01.11.2023. The said reports show that there are various cities where the air quality index has dipped to “very poor” or even to “severe” stage. For example, a perusal of the air quality index of 01.11.2023 discloses that in Hanumangarh, Fatehabad, Hisar, the air quality has dipped to the “severe” level, in respect of Bahadurgarh, Biwani, Charkhi Dadri, Faridabad, Greater Noida, Kaithal, Noida, Rohtak and Sri Ganganagar apart from Delhi, the air quality was at “very poor” level and in respect of Amritsar, Ankleshwar, Baddi, Balllabgarh, Bathinda, Bharatpur, Bhiwadi, Bhopal, Bikaner, Bulandshahr, Bundi, Byrnihat, Churu, Dausa, Dhandbad, Dharuhera, Ghaziabad, Gurugram Gwalior, Jhansi, Jhunjhunu, Karnal, Khurja, Kota, Kurukshetra, Lucknow, Ludhiana, Mandi Gobindgarh, Manesar, Narnaul, Navi Mumbai, Panipat, Patna, Purnia, Rajgir, Sirsa, Sonipat, Thane, Tonk and Vapi, the air quality has dipped to “poor” level.

2. The Tribunal earlier had registered O.A. No. 681/2018 on the basis of the news item published in the Times of India relating to clean air in 102 cities and by order dated 08.04.2021 had constituted eight Member National Task Force headed and coordinated by Secretary, MoEF&CC and the nominees of other authorities/Departments to monitor the remedial steps to improve the status of air quality in Non-Attained Cities (NACs) consistent with the action plan already prepared and approved by the Expert Committee on the direction of the Tribunal. The directions of the Tribunal contained in the order dated 08.04.2021 were as under:-

“60. Our directions are summed up as follows:

- i. We direct constitution of an eight-member National Task Force (NTF) to be headed and coordinated by the Secretary MoEF&CC with nominees (not below the rank of Joint Secretaries) of Ministries from Housing and Urban Development, Road Transport, Petroleum, Power, Agriculture, Health and Chairman, CPCB with a view to monitor remedial steps to improve the status of air quality in NACs consistent with the action plans already prepared and approved by the Expert Committee and directions of this Tribunal, referred to above, including the last order dated 21.08.2020 and also to monitor compliance of noise control norms. NTF may also monitor enforcement of laid down air quality standards beyond NACs in other identified air polluted areas where air quality is poor and above.***
- ii. The NTF may hold its first meeting within one month and thereafter evolve mechanism for monitoring by quarterly meetings with Chief Secretaries of concerned States/UTs. The NTF may coordinate and work in tandem with the Committees already constituted under NCAP at National and State levels.***
- iii. Monitoring by NTF may be with reference to the action plans of 124 NACs. The components include installation of monitoring stations, completion of CC and SA studies, shifting, prohibiting and regulating activities beyond carrying capacity (such as shifting to cleaner fuel and declaring regulated/no vehicle zones so as to ensure that the air quality does not go beyond ‘poor’ for protection of health of the citizens), effectiveness of PGRPs, timelines for execution of the action plans and recovery of compensation for delay, addressing gap in control of noise pollution, afforestation drives utilizing CAMPA funds, effective implementation of ERS, revamping of PCBs/PCCs and other monitoring mechanism, remediation of*

legacy waste sites and effective steps for management of other waste, including biomedical, plastic and e-waste, dust control, public awareness and community involvement programmes and setting up of data grids on all levels. NTF may also evolve and oversee parameters for interse ranking of success of remedial action for 124 NACs and other air polluted areas where air quality is poor and above. Further, accountability for failures and incentives for success also needs to be monitored. NTF is free to take up any other incidental issues.

- iv. Consistent with Digital India initiatives, MoEF&CC/ CPCB may consider setting up and periodically updating National Environment Data Grid (NEDG) linked to the State Environment Data Grids (SEDGs) and District Environment Data Grids (DEDGs) and further linked to available portals like online air quality, Sameer and other monitoring stations to facilitate analysis, research and planning on the subject. It may be further interlinked to National Air Quality Monitoring Programme (NAMP). Based on above data, the MoEF&CC may lay down guidelines for classifying cities/districts in terms of air quality in different categories such as 'red', 'orange' and 'green'. On that basis, a National Air Quality Atlas may be compiled and published on the websites of MoEF&CC, CPCB and State PCBs/PCCs annually.*
- v. The Chief Secretaries of all States/UTs may continue to monitor progress in execution of action plans at State level with the assistance of monitoring cells in their offices and the AQMCs. The State level monitoring must include action at the ground as per directions to be implemented by the District Magistrates or other concerned departments. The monitoring may include all associated issues, including road dust control by appropriate sprinkling of water (utilizing treated water, instead of potable water), planting herbs and shrubs, and all sources of pollution, including fire crackers. The issue of noise pollution also needs to be addressed, as earlier directed."**

3. A serious condition is reflected in various cities in Air Quality Bulletins. Hence, immediate action is required for prevention and control of the air pollution in these cities so as to ensure better air quality to the residents.

4. The power of the Tribunal to take *suo-moto* cognizance of the matter is already upheld by the Hon'ble Supreme Court in the matter *Municipal Corporation of Greater Mumbai v. Ankita Sinha and Others 2021 SCC Online SC 897*.

5. In view of above, we implead following respondents in the matter:

- i. Chief Secretaries of the concerned States;
- ii. Chairman, Commission for Air Quality Management (CAQM);
- iii. Member Secretary, CPCB;
- iv. National Task Force through its head Secretary, MoEF&CC.

6. Let notice be issued to above respondents.

7. The Chief Secretaries of the States where the cities AQI has dipped to severe, very poor and poor, are directed to take immediate remedial action and submit action taken report before the Tribunal on or before the next date of hearing by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The other respondents are also directed to take remedial action and submit action taken report reflecting compliance of directions issued by the Tribunal from time to time in this regard.

8. List this matter on 10.11.2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

November 03, 2023
Original Application No. 577/2023
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