

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

(By Video Conferencing)

Original Application No. 639/2018

(With reports dated 18.03.2021 and 22.03.2021)

Shailesh Singh

Applicant

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 23.03.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent: Mr. Shlok Chandra, Advocate for CPCB.
Mr. Rahul Khurana, Advocate for the State of Haryana & HSPCB

ORDER

1. The issue for consideration is revision of existing monitoring mechanism to oversee compliance of environmental norms by the State PCBs, including duration for mandatory inspections of 'highly polluting 17 category', 'red', 'orange' and 'green' category industries and policy of auto renewals of Consent to Operate under the Water (Prevention and Control of Pollution) Act, 1974 as well as the Air (Prevention and Control of Pollution) Act, 1981.

2. Vide order dated 05.11.2019, the Tribunal considered the findings in the report of the joint Committee comprising CPCB, Haryana State PCB, CGWA and District Administration that water quality had deteriorated in major parts of the State of Haryana on account of non-compliance of environmental norms and absence of strict enforcement of

law by statutory regulators. It was also found that in violation of direction of the Hon'ble Supreme Court in *Paryavaran Suraksha Samiti v. Union of India*¹ that no untreated effluents be discharged and requisite ETPs, STPs and CETPs be installed, water pollution was taking place. The Tribunal also considered the report of the Chief Secretary, Haryana dated 10.10.2019 and CPCB dated 04.10.2019 about working of regulatory authorities for enforcement of environmental norms. The CPCB recommended that State PCB should maintain regular vigilance, levy environmental compensation against violations of environmental norms in view of rampant non-compliances by the industries. Operative part of the order is as follows:-

*“11. Having considered the material on record, we are of the view that **there is need for further reduction of period of inspections and increase in frequency with regard to ‘highly polluting 17 category’, ‘red category’ and ‘orange category’.** Vigilance is also required on ‘green category’ to verify that ‘green’ status is being genuinely used. Since the report of the Chief Secretary states that similar policies are operating in 19 States, there is need for the CPCB to ensure revision of such policies in all the States having regard to the data of air and water quality, CEPI, non-attainment cities and polluted water stretches, etc. in said States. The policy should cover inspections with reference to the Water (Prevention and Control of Pollution) Act, 1974 as well as the Air (Prevention and Control of Pollution) Act, 1981. Further action taken report may be filed by the CPCB before the next date by email at judicial-ngt@gov.in.*

12. Accordingly, we direct:

i) The State of Haryana may shorten the period of inspection at higher frequencies preferably as follows:

Period of mandatory inspections:

a)	Highly polluting 17 Category:	3 months
b)	Other Red Category:	6 months
c)	Orange Category	1 year
d)	Green Category	2 years
e)	CBWTF/CHWSRDF/ CMSWTDF/CETP/STP:	3 months

This will not dispense with inspections wherever situations so require in the wisdom of the Board and environmental

¹(2017) 5 SCC 326

exigencies. The conditions for grant/renewal of consents may be placed in public domain consistent with the spirit of Section 25(6) of the Water Act and corresponding provision of the Air Act. Revised norms for inspections may be placed on record before the next date.

- ii) These timelines and other changes may be followed by the CPCB for other States under Section 18 of the Water (Prevention and Control of Pollution) Act, 1974/Air (Prevention and Control of Pollution) Act, 1981 unless there are reasons for exception for any particular State.**
- iii) The Chief Secretary, State of Haryana may also ensure remedial action against the deficiencies pointed out in the report of the CPCB especially with regard to fluoride in ground water which requires making potable water available to the concerned inhabitants in a time bound manner. Compliance report in this regard may be filed before the next date.**
- iv) Since the CGWA has still not evolved any compensation regime, compensation regime laid down by CPCB may be utilized as a guideline an interim measure till any further policy is framed.**
- v) To meet the increased frequency of inspections, the SPCBs/PCCs may undertake capacity enhancement out of consent funds by procuring requisite equipments, setting up of modern labs and recruiting/engaging staff and experts. All vacancies must be filled up as already directed by this Tribunal in O.A No. 95/2018, Aryavart Foundation v. M/s Vapi Green Environ Ltd & Ors vide order dated 28.08.2019 which may be ensured by the Chief Secretary. Compliance report may be filed before the next date.**
- vi) The CPCB may also undertake capacity enhancement including procurement of requisite equipment, setting up of labs, recruiting/engaging staff and experts on above lines utilising environment compensation funds. No authority in the Government will obstruct such exercise so that requisite steps for protection of environment and public health are not hampered. Compliance report may be filed before the next date.”**

3. The matter was thereafter considered on 25.08.2020 in the light of report dated 21.08.2020 filed by the CPCB, apart from reports of some other States. It was observed that for effective functioning of the State PCBs infrastructure, including labs was required to be strengthened. The discussion and operative part of the said order is as follows:-

“1to3xxx.....xxx.....xxx

4. Accordingly, report dated 21.08.2020 has been filed by the CPCB, apart from reports of some other States. Relevant part of the report is as follows:

“Till date Action Taken Reports (ATRs) have been received from 23 SPCBs/PCCs, namely; Assam, Jharkhand, Tripura, Kerala. Daman & Diu and Dadra Nagar Haven, Puducherry. Jammu & Kashmir, Nagaland. Chandigarh, Odisha, Haryana, Telangana, West Bengal, Punjab. Chhattisgarh. Himachal Pradesh. Maharashtra, Sikkim, Mizoram, Bihar, Tamil Nadu, Uttar Pradesh & Uttrakhand. **All these SPCBs/PCCs have complied with the CPCB directions by adopting prescribed minimum inspection frequency for environmental surveillance of industries.**

ATRs are still awaited from 12 SPCBs/PCCs, namely: Andhra Pradesh, Gujarat, Meghalaya, Manipur, Madhya Pradesh, Arunachal Pradesh, Goa, Karnataka, Rajasthan, Delhi, Andaman & Nicobar Islands and Lakshadweep. CPCB has been pursuing the matter with the remaining SPCBs/PCCs. Copy of correspondence made with concerned SPCBs/PCCs. on 09.01.2020, 06.02.2020. 17.03.2020, 21.05.2020 & 22.06.2020, to submit the action taken report, is given at **Annexure-III**.

CPCB engaged Dr. C.S. Sharma. retired CPCB Scientist for preparation of report for **strengthening of CPCB's Central laboratories and Regional Directorate laboratories at Bengaluru, Bhopal, Kolkata, Lucknow, Shillong and Vadodara.** The report submitted by Dr. Sharma was further scrutinized and modified by an in-house four-member Scientific Committee to consider capacity building and strengthening of CPCB laboratories for all notified parameters and a live-year plan has been prepared. The plan included refurbishing of analytical strength to make all central and regional laboratories capable for all relevant notified parameters in various matrices.

Year wise Total Budget Requirement in five years (in INR)						
	2019-20	2020-21	2021-22	2022-23	2023-24	Total
ICB ITEMS*	2924.56	3569.06	516.8	229.5	352.9	7592.85
LCB ITEMS**	290.4	164.7	57.2	18.1	13.45	543.85
Total	3214.96	3733.76	574	247.6	366.35	8136.67
Rs. Eighty One Crore Thirty Six Lakh Sixty Seven Thousand only.						
Notes: ICB* - International Competitive Bidding LCB** - Local Competitive Bidding						

Procurement process of the items listed above in current financial year is in process.

It may be submitted that CPCB is engaging/recruiting experts/staff as per requirement. and their expenses in terms of salaries/honorarium is being utilized under Environment Compensation fund.”

5. In view of the above, the remaining 12 PCBs/PCCs may also file their action taken report with the CPCB within three months from today. The CPCB and State PCBs may take further steps for strengthening of their monitoring and related infrastructure, including the infrastructure of laboratories.

6. We find that in the report of the State of Haryana only issue addressed is the frequency of inspections. **There is no mention of strengthening of monitoring infrastructure, including laboratories. Status of fluoride contamination and availability of potable water to the affected inhabitants has not been mentioned as required in terms of para 12 (iii) of the last order, quoted above.**

7. We may also refer to the further orders of the Tribunal on the subject of regulating extraction of ground water and applying compensation regime against the violators vide judgment dated 20.07.2020 in O.A. No. 176/2015, Shailesh Singh v. Hotel Holiday Regency, Moradabad & Ors and recent order dated 24.07.2020 in O.A. No. 102/2019, Ashish Kumar Dixit v. State of U.P. & Ors., directing the CPCB and the State PCBs to interact to finalise the mechanism for proper utilization of EC and Consent funds.

8. Let further action be taken accordingly and the State PCBs may give their respective action taken reports to the CPCB by 31.12.2020. The CPCB may collate the same and file a consolidated report before the next date 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.”

4. Accordingly, the CPCB has filed its report dated 18.03.2021 mentioning the steps taken for coordination and filing of action taken report by some PCBs/PPCs while other PCBs/PPCs are yet to submit their action taken reports. The report of the CPCB is as follows:

“So far, Action Taken Reports (ATRs) have been received from 32 SPCBs/PCCs, namely Assam, Jharkhand, Tripura, Kerala, Goa, Daman & Diu and Dadra Nagar Haveli, Puducherry, Jammu & Kashmir, Nagaland, Chandigarh, Odisha, Haryana, Telangana, West Bengal, Punjab, Chhattisgarh, Himachal Pradesh, Maharashtra, Sikkim, Mizoram, Bihar, Madhya Pradesh, Tamil Nadu, Uttar Pradesh, Uttarakhand, Manipur, Arunachal Pradesh,

Andhra Pradesh, Meghalaya, Andaman & Nicobar, Kamataka, & Gujarat. The compiled status of ATRs received is given at **Annexure-III**.

Out of 32 SPCBs/PCCs, which have submitted ATRs, only 02 SPCBs/PCCs namely Andhra Pradesh and Madhya Pradesh are having the variation in the environmental surveillance inspection frequency, as compared to prescribed frequency policy. CPCB, vide letters dated 17.03.2021, requested Andhra Pradesh and Madhya Pradesh PCBs to implement the prescribed inspection frequency policy and submit Action Taken Report (ATR). A copy of CPCB letters dated 17.03.2021, issued to APPCB and MPPCB are given at **Annexure-IV** and **Annexure-V**, respectively

Further, ATRs are still awaited from 03 SPCBs/PCCs, namely- Rajasthan, Delhi & Lakshadweep, which have been requested/reminded vide letters dated 09.01.2020, 06.02.2020, 17.03.2020, 21.05.2020, 22.06.2020, 18.08.2020, 15.09.2020, 06.10.2020, 02.12.2020, 29.01.2021 & 04.02.2021 to submit the action taken reports. Copies of the last correspondence made with the Delhi and Lakshadweep PCCs on 29.01.2021 & with Rajasthan SPCB on 04.02.2021, are given at **Annexure-VI** and **Annexure-VII**, respectively.”

5. Annexure III of the report of the CPCB which gives the detailed status of implementation is also as follows:-

“Status of Implementation of CPCB Directions issued u/s 18(1)(b) regarding Inspection Frequency for Environmental Surveillance of Industries (status as on 04.02.2021)

Sl. No.	SPCBs/PCCs	Status of implementation of CPCB directions
1	Arunachal Pradesh	Arunachal Pradesh SPCB vide letter dated 26.08.2020, informed that the Board has adopted the CPCB directions
2	Assam	Assam Board vide letter dated 03.01.2020, has informed about the implementation of CPCB directions
3	Bihar	Bihar SPCB vide letter dated 20.03.2020, submitted that they have directed their Regional Officers to inspect the industries as per CPCB direction
4	Chandigarh	Chandigarh PCC vide letter dated 31.01.2020, informed that they will follow the CPCB directions.
5	Daman, Diu and Dadra Nagar Haveli	DD & DNH PCC vide letter dated 21.01.2020, informed that they have issued the circular to comply with the CPCB directions.
6	Goa	Goa SPCB vide letter dated 06.07.2020, informed that the Board has adopted the CPCB directions.
7	Gujarat	Gujarat SPCB vide letter dated 07.08.2020, submitted that they have adopted the CPCB directions
8	Haryana	Haryana SPCB vide e-mail dated 12.02.2020, informed that they have issued the office order dated 11.02.2020 to implement the CPCB directions.
9	Himachal Pradesh	HPPCB vide letter dated 07.02.2020, informed that they have adopted and notified the CPCB directions.
10	Jammu & Kashmir	J & K SPCB vide letter dated 04.02.2020, adopted the directions of inspection frequency for environmental surveillance of industries.

11	Jharkhand	Jharkhand SPCB vide letter dated 26.06.2020, submitted that they have adopted the CPCB directions																
12	Karnataka	Karnataka SPCB vide letter dated 07.07.2020, informed that they have adopted the CPCB directions.																
13	Kerala	Kerala SPCB vide letter dated 29.12.2019 reported that frequency of inspection is more stringent than CPCB directions, which are as follows: <table border="1" data-bbox="654 508 1378 736"> <thead> <tr> <th></th> <th>Large</th> <th>Medium</th> <th>Small</th> </tr> </thead> <tbody> <tr> <td>Red</td> <td>Once in a month</td> <td>Once in 3 month</td> <td>Once in six month</td> </tr> <tr> <td>Orange</td> <td>Once in three month</td> <td>Once in six month</td> <td>Once in a year</td> </tr> <tr> <td>Green</td> <td>Once in six month</td> <td>Once in a year</td> <td>Once in two years</td> </tr> </tbody> </table>		Large	Medium	Small	Red	Once in a month	Once in 3 month	Once in six month	Orange	Once in three month	Once in six month	Once in a year	Green	Once in six month	Once in a year	Once in two years
	Large	Medium	Small															
Red	Once in a month	Once in 3 month	Once in six month															
Orange	Once in three month	Once in six month	Once in a year															
Green	Once in six month	Once in a year	Once in two years															
14	Manipur	Manipur SPCB vide letter dated 05.12.2020, submitted that they have adopted the CPCB directions. They have also mentioned that inspection team may increase the frequency of inspection if situation so require in the wisdom of the inspection team with approval of the authority.																
15	Meghalaya	Meghalaya SPCB vide letter dated 16.09.2020, informed that Meghalaya SPCB in its 76 th Board meeting dated 06.07.2020 has adopted the CPCB directions																
16	Mizoram	Mizoram vide letter dated 16.03.2020, informed that they have adopted the CPCB directions.																
17	Nagaland	Nagaland SPCB vide letter dated 30.01.2020, informed that they have followed the timelines of CPCB directions.																
18	Odisha	Odisha vide letter dated 10.01.2020, informed that they have taken necessary steps to comply with the directions.																
19	Punjab	Punjab SPCB vide letter dated 12.02.2020, submitted that PPCB vide office order no. SEE(HQ-2)/2020/56 dated 24.01.2020 has issued the order for implementation of CPCB directions.																
20	Puducherry	Puducherry PCC vide letter dated 21.12.2019, informed that PCC has adopted the CPCB directions																
21	Sikkim	Sikkim SPCB vide letter dated 25.02.2020, has informed that they are following the inspection frequency as per the CPCB directions.																
22	Tamil Nadu	Tamil Nadu SPCB vide letter dated 08.06.2020, submitted that necessary instructions have been issued to all the District Officers of TN PCB to take necessary action in this regard.																
23	Telangana	Telangana SPCB vide letter dated 28.01.2020, informed that the Board has issued the circular for compliance of the CPCB directions.																
24	Tripura	Tripura SPCB vide letter dated 10.01.2020 informed that the Board has taken necessary steps to comply with the CPCB directions.																
25	Uttar Pradesh	Uttar Pradesh SPCB vide letter dated 05.07.2020, submitted that UPPCB has adopted the CPCB directions.																
26	Uttarakhand	Uttarakhand SPCB vide letter dated 20.03.2020, submitted that the Board has adopted the CPCB directions.																
27	West Bengal	West Bengal PCB vide letter dated 07.02.2020, informed that the Board has implemented the CPCB directions.																
28	Chhattisgarh	Chhattisgarh SPCB vide letter dated 17.02.2020, submitted that they have issued the office order for implementation of CPCB directions, which are as follows: <table border="1" data-bbox="654 2161 1390 2384"> <thead> <tr> <th>Sl. No.</th> <th>Industrial category/Facility</th> <th>Frequency of Inspection</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>17 category industries</td> <td>Small/Medium/large Scale-03 Months</td> </tr> <tr> <td>2</td> <td>Red category (other than 17 category)</td> <td>Medium/large Scale-06 Months Small Scale-09</td> </tr> </tbody> </table>	Sl. No.	Industrial category/Facility	Frequency of Inspection	1	17 category industries	Small/Medium/large Scale-03 Months	2	Red category (other than 17 category)	Medium/large Scale-06 Months Small Scale-09							
Sl. No.	Industrial category/Facility	Frequency of Inspection																
1	17 category industries	Small/Medium/large Scale-03 Months																
2	Red category (other than 17 category)	Medium/large Scale-06 Months Small Scale-09																

				Months
		3	Orange Category Industries	Medium/large Scale-06 Months Small Scale-01 Year
		4	Green Category Industries	Small/Medium/Large Scale -02 Years
		5	CBWTF/CHWSRDF/CMS WTDF/CETP/STP	03 Months
29	Maharashtra	Maharashtra SPCB vide letter dated 25.02.2020, submitted that the inspection frequency of industries, are as follows:		
		Duration	Type	
		Monthly	17 Categories, CHWTSDF, CBMWATDF, CETP, Red (large scale)	
		Three Monthly	Red (Medium Scale), Orange (Large Scale), Healthcare establishments (HCE)>200	
		Half-Yearly	Red (Small Scale), Orange (Medium scale), Healthcare establishments 100-200	
		Yearly	Orange (Small scale), Hotels (S star & above)	
30	Andaman & Nicobar Islands	There is no 17 category highly polluting industries in A & N. Other three categories mostly are hotels which are still closed, however the other industries have started opening slowly for which the ANPCC will carry out environmental surveillance in compliance order of CPCB directions.		
31	Andhra Pradesh	Andhra Pradesh SPCB vide email dated 18.08.2020, informed that the Board is working with less than 50% of the sanctioned post. Orders for the recruitment of the staff are awaited from the Government. Meanwhile Board is following frequency inspection policy as below:		
		Sl. No.	Industrial category/Facility	Frequency of Inspection
		1	Highly Polluting 17 Category Industries	06 months
		2	Red category (other than 17 category industries and common facility)	1 Year
		3	Orange Category Industries	2 Year
		4	Green Category Industries	3 Year
		5	Sewage Treatment Plants	06 months
		6	CBWTF/CHWSRDF/CMS WTDF/CETP)	06 months
32	Madhya Pradesh	Andhra Pradesh SPCB vide email dated 18.08.2020, informed that the Board is working with less than 50% of the sanctioned post. Orders for the recruitment of the staff are awaited from the Government. Meanwhile Board is following frequency inspection policy as below:		
		Sl. No.	Type	Frequency
		1	17 category of industries, common waste treatment facilities like CBWTF, CETP, STP, etc.	Every six months
		2	Red category (large/medium)	Once a year
			Red category (small scale)	Every 2 years
		3	Orange	Every 2 years
		4	Green Category	As required
33	Rajasthan	RSPCB vide letter dated 20.10.2020, informed that they		

		<i>are in the process of recruitment of additional scientific and engineering officials and necessary actions on the desired inspection frequency will be taken once the recruitment process is completed.</i>
34	Delhi	Action Taken Report is not received
35	Lakshadweep	Action Taken Report is not received

6. The Haryana State PCB has also filed its status report dated 22.03.2021 which is as follows:

“3. That in compliance of order of Hon’ble NGT, HSPCB has checked the status of fluoride contamination in ground water at 109 locations in Haryana. As per the Analysis Reports the fluoride parameter checked at all 109 locations (given in **Annexure – A**). The fluoride level has been found to be marginally exceeding at 04 locations and the details have been shared with concerned departments (HSVP & HSIIDC) for further necessary action at their end.

4. That out of 109 sampling locations 105 locations showed the result less than 1 ppm which is the prescribed limit for drinking water specification BIS10500: 2012. The Two locations at Serial No. **30 & 37** of the table in **Annexure A** where the result of fluoride is more than 1 ppm but less than 1.5 ppm. As there is no alternate source at these two locations therefore as per drinking water specification BIS10500: 2012 the permissible limit in absence of alternate source is 1.5 ppm and thus complying with the drinking water standard. At location mentioned at Serial No. **66** the result of fluoride has been found 1.1 ppm against the prescribed standard of 1 ppm as there is another source of Water Supply. Haryana State Industrial and Infrastructure Development Corporation has stopped supply of water from this location as per letter dated 04.02.2021 is enclosed as **Annexure- B**. The location mentioned at Serial No. **105** the fluoride parameter has been found 1.74 against the limit of 1.5 ppm. The supply of water has been permanently closed for any further use by Haryana Shahari Vikas Pradhikaran from this tubewell as per information provided by Regional Officer, Panchkula. The drinking water standard BIS 2012 is enclosed as **Annexure - C**.

5. The Board has established 4 laboratories at Panchkula, Faridabad, Gurugram and Hisar. All Laboratories are carrying out the analysis of air samples and water samples for general parameters, metals and biological test. Laboratories are being upgraded. HSPCB has already initiated process for the procurement of sophisticated instruments like ICP-OES and GCMS, Panchkula Lab has already been accredited from NABL accreditation and remaining 03 Labs are under process.

6. The Board has set up 29 Continuous Ambient Air Quality monitoring stations at all District Head Quarters in the State. Continuous data of Ambient Air Quality being monitored at these stations is being displayed at prominent places in these towns and also connected to the main server of the Board and CPCB. This has

facilitated generation of Ambient Air Quality data on continuous basis for better management of air quality.

7. *The Board is monitoring Water Bodies in the State at 61 locations under schemes National Water Monitoring Programmes (NWMP). These locations are being monitored to ascertain the quality of water throughout the State of Haryana. The result of the analysis of water samples of these water bodies are submitted to Central Pollution Control Board and also uploaded on the online portal of CPCB. The data of analysis report is used by the CPCB to calculate the water quality index. Board is monitoring Drains/Rivers water quality samples at 196 locations on monthly basis and underground water quality is monitored at 162 locations on half yearly basis.*

The Board is monitoring of sewage treatment plants (STPs) and Common Effluent Treatment Plants (CETPs) through all the Regional Officers in the field on monthly basis and the water quality is being monitored at various identified locations periodically.

The Board is under the process of procurement of Real Time Water Quality Monitoring Stations at two proposed locations on river Ghaggar and three proposed locations on river Yamuna in the state.

8. *The Government of Haryana has approved 183 additional posts of different categories in the Board and approved to open Regional Offices in each district in state of Haryana for strengthening the manpower and infrastructure of the Board to meet out the requirements for proper implementation of the Environmental Laws and inspections of industries. The Board has sent requisition to fill 76 no. of vacant posts to Government and staff selection commission.*

The Government of Haryana has also approved to engage the expert on deputation basis, one for air quality, one for water quality, one for waste management, one for nature conservation, one for toxicologist having PhD degree in relevant field from reputed institute.”

7. The report of CPCB has indicated that all SPCBs and PCCs have consented to follow inspection frequency norms. However, the report has not mentioned about compliance of Section 25(6) of the Water Act and Section 51 of the Air Act requiring the maintenance of register with the particulars of conditions imposed which will be open for inspection by any person. Also, no mention is made about steps taken for strengthening of SPCBs and PCCs and of CPCB. The frequency norms for inspections may be made part of consent conditions and EC clearances. These steps may now be looked into by the CPCB, SEIAAs

and MoEF&CC. The issue was also gone into by this Tribunal recently vide order dated 05.02.2021 in OA 95/2018, *Aryavart Foundation v. M/s Vapi Green Enviro Ltd. & Ors.* It was observed:

“22. The directions on the subject are summed up as follows:

- i. The Chief Secretaries of all States/UTs, in coordination with their respective Secretary Environment and Chairman State PCB/PCCs, need to forthwith study and address the issues emerging from the CPCB report, prepare and execute their respective action plans which will include filling up all vacant posts by competent persons and procuring the requisite equipment, including commissioning and upgradation of all laboratories and recognition under the EP Act, 1986. The CPCB may assist and monitor all the States for compliance of these directions. The steps in this regard be initiated and completed as far as possible within six months. In view of Section 33 of the NGT Act, 2010, whereunder the NGT Act has overriding powers over other statutes, any restriction placed by any administrative order will not stand in the way of carrying out this direction.*
- ii. We direct the CPCB to prepare a format which may contain qualifications, minimum eligibility criteria, required experience for the key positions and the specifications of equipment. All States/UTs may act accordingly.*
- iii. MoEF&CC and CPCB may design a mechanism for annual performance audit of all the State PCBs/PCCs.*
- iv. It is suggested that if some of the State PCBs find it difficult to select/recruit suitable candidates, a designated Committee of the MoEF&CC and CPCB, in consultation with such State PCBs, may explore possibility of the central selection mechanism so that the talent pool so selected can be made available for posting at appropriate locations, where requirement is found to be otherwise difficult. A plan be prepared for continuous training of the incumbents at regional levels periodically.*
- v. In view of the findings in the report that at some places administrative manpower is more than technical manpower, such situation may be reviewed and remedied by the concerned States.*
- vi. The observations that the work of regulators should be fulltime for the incumbents appointed applies to all key positions, including Chairman/Member Secretary and Regional Officers, Engineers, Scientists of PCBs/PCCs.*

Such incumbents may not be given any other additional charge. Only exception can be in States where there are no significant environmental issues so as to provide the incumbents fulltime work. Such States may seek exemption in respect of this direction from CPCB, giving relevant information justifying such exemption.

- vii. CPCB and State PCBs/PCCs, as directed earlier, may utilise EC funds on laboratory set up/upgradation, and on the mentioned areas in the report as well as on approved District Environment Plans. No approval of Central/State Government will be necessary in this regard in view of section 33 of the NGT Act, supra.*
- viii. Consistent with Digital India initiatives, MoEF&CC/MoJS/CPCB may consider setting up and periodically updating National Environment Data Grid (NEDG) linked to the State Environment Data Grids (SEDGs) DEDGs and further linked to available portals like online air/water quality, Sameer and other monitoring stations to facilitate analysis, research and planning on the subject. It may be further interlinked to initiatives like NMCG/Swachh Bharat/Jal Jeevan Mission.*
- ix. To assess the extent of monetary loss caused to the environment on account of violation of environmental norms by failure to scientifically manage waste, violating Water/Air/EP/Forest (Conservation) Acts and other specified Acts for fixing accountability, for improving efficiency and better enforcement of 'Polluter Pays' principle.*
- x. To monitor the extent of carrying capacity for particular activities at different locations for planning suitability of siting of particular activities for giving effect to 'Precautionary' and 'Sustainable Development' principles"*

8. In view of the above, further steps be taken by the MoEF&CC, MoJS, MoUD, GoI, CPCB, Chief Secretaries and State PCBs/PCCs and SEIAAs of all States/UTs. This is necessary to achieve the mandate of sustainable development.

The application is disposed of.

A copy of this order be forwarded to MoEF&CC, MoJS, MoUD, GoI, CPCB, Chief Secretaries and State PCBs/PCCs and SEIAAs of all States/UTs by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

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