

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Original Application No. 809/2022**

In the matter of:

Jan Seva Welfare Society

...Applicant

Versus

Govt. of NCT of Delhi & Ors.

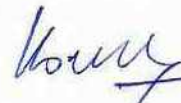
...Respondents

NDOH: 21.12.2022

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Filed by:



(BMS Reddy)

Sr. Environmental Engineer

New Delhi:

Dated: 19.12.2022

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**RESPONSE ON BEHALF OF DELHI POLLUTION CONTROL
COMMITTEE (RESPONDENT NUMBER-2) IN COMPLIANCE TO THE
ORDER DATED 14.11.2022.**

IT IS MOST RESPECTFULLY SHOWNETH:

Affidavit of Dr. BMS Reddy, presently working as Senior Environmental Engineer, Delhi Pollution Control Committee, 5th floor, ISBT Building, Kashmere Gate, New Delhi 110006 in compliance to the order dated 14.11.2022.

1. I the above-named deponent do hereby solemnly affirm and declare that I am an authorized officer of the Delhi Pollution Control Committee and competent to swear in the present affidavit on the basis of records.
2. That this Hon'ble Tribunal took up the above referred matter on 14.11.2022 and pleased to issue notice on the grievance of the applicant and directed to file reply/ response against erected Telecom towers in DDA parks at 9 locations of Pitampura, Delhi.
3. That DPCC issued a letter dated 02.12.2022 to DDA, MCD and Director General (Cellular Operators Association of India) to look into the matter and direct the concerned official to take necessary action as deemed appropriate as

per the applicable Statute(s)/Rules. Copy of the letter dated 02.12.2022 is enclosed herewith as ANNEXURE-2/1.

4. That, Ministry of Communication, Department of Telecommunications, Government of India vide letter dated 10.03.2021 on the issue of public complaints regarding installation of mobile towers, informed that illegal construction and encroachment are dealt by MCD and Local Bodies. Further, DOT's view on Electromagnetic Emission from Towers has also been provided along with the said letter. Copy of the letter dated 10.03.2021 is enclosed herewith as ANNEXURE-R-2/2.

In the comments it is mentioned that:

"EMF radiations from a mobile tower which are below the safe limit prescribed by ICNIRP and recommended by World Health Organization have no convincing scientific evidence of causing adverse health effects"

"State Government, Municipal Corporation, Local Bodies regulate the installation of Towers as per their Building By-Laws"

Keeping the precautionary EMF safe exposure limits for the Radio Frequency Field (Base Station Emissions) as 1/10th of the safe limits prescribed by ICNIRP for all area in India, eliminates the need for fixing lower for specific areas like school, hospitals, residential premises, children playgrounds; a segregation of which is impractical in densely populated localities"

5. That as per the "awareness note on mobile tower radiation and its impacts on environment", as published by the Central Pollution Control Board, The Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 defines 'air pollutant' as:

'any solid, liquid or gaseous substance (including noise) present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment'

This definition clearly shows that 'radiation' is not covered under the provision of Act and thus not a pollutant.

The only issue of direct concern with Pollution Control Board/Committee is the noise/ air emission control from the DG set(s) attached to the mobile tower, if any. As of now, in Delhi mobile tower companies are not installing DG set(s) in the Mobile tower.

6. In India, Mobile Tower Radiation testing and monitoring is regulated by Telecom Enforcement Resource & Monitoring (TERM) cell of Department of Telecommunications (Ministry of Communications & Information Technology).
7. This Hon'ble Tribunal in the case of "*Arvind Gupta v Union of India*, { MANU/GT/0202/2015 } observed that "it is clear beyond doubt that the radiation from electromagnetic waves resulting from the mobile towers is not explicitly covered in any of the scheduled acts to the NGT Act, 2010. In fact, even under the NGT Act, 2010, relevant definition under provisions do not refer to the radiation specifically." Further, this Hon'ble Tribunal held that the issue of radiation i.e. emission of electromagnetic waves from the towers constructed by the respective respondents does not fall within the ambit, scope and jurisdiction vested with the NGT under the provisions of the NGT Act with reference to the Environment (Protection) Act, 1986.
8. In the case of "*Reliance Infocomm Ltd. v Chemanchery Grama Panchayat*" {AIR2007Ker33} it was held that Right to Life enshrined under Article 21 includes all those aspects of life which make life meaningful, complex and worth living. Development of technology has its own ill-effects on human beings, but, at times people will have to put up with that at the cost of their advantages.
9. That there is no clarity yet as to whether mobile towers actually cause harm to human health and environment. Be it the guidelines issued by the CPCB or the various orders passed by the Hon'ble Supreme Court or Hon'ble National Green Tribunal and the Various Hon'ble High Courts, it is yet to be decided as to whether there is any impact of mobile radiations on human health and environment. The awareness note published by CPCB doesn't mention that mobile tower radiations in India cause any harm to human health, the note

refers to a report by the 'Expert Committee to study the possible impacts of Communication Towers on Wildlife including Birds and Bees', constituted by the Ministry of Environment & Forests, Government of India on 30 August 2010. The Expert Committee on the basis of its review of the available scientific information, in its Report indicates that the Electro-Magnetic Radiations (EMR) interfere with the biological systems besides impact on human beings.

10. That, there were no environmental standards/ norms prescribed for radiation from mobile Towers under Environmental Laws and in fact the matter of radiation from mobile towers does not fall in the ambit of Environment (Protection) Act, 1986.


Deponent

Verification

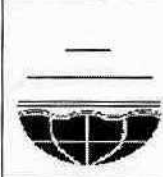
Verified at New Delhi on this ____ day of December, 2022 that the contents of the above affidavit are true and correct to my knowledge and noting false has been stated therein and no material has been concealed there from.


Deponent

Annexure-1

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By Speed Post



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
4TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
visit us at : <http://dpcc.delhigovt.nic.in>

DPCC/RDPC /Mobile Towers/Complaints/3728-30

Date: 02/12/2022

To,

1. The Vice Chairman, Delhi Development Authority, Vikas Sadan, INA, New Delhi-110023.
2. The Commissioner, Municipal Corporation of Delhi, Civic Centre, Minto Road, New Delhi - 110002
3. Director General, Cellular Operators Association of India, 14, Bhai Veer Singh Marg, New Delhi - 110001

Sub: Complaint against mobile towers – compliance of order of Hon'ble NGT in OA No. 809/2022 - reg.

Sir,

This refers to the complaint filed by Jan Seva Welfare Society, Shop No. 17, Block - A, Saraswati Vihar, DDA Market, Pitampura, Delhi - 110034, against installation of Mobile Towers in DDA parks at nine locations before Hon'ble National Green Tribunal and the order of Hon'ble Tribunal dated 14.11.2022. You are requested to look into the matter and direct the concerned officials to take necessary action in compliance of the order of Hon'ble Tribunal. Copies of both the complaint and order are enclosed herewith for your ready reference.

Encl: As above


Incharge, RDPC
Dr. B.M.S. Reddy
Senior Environmental Engineer
Delhi Pollution Control Committee
4th & 5th Floor, ISBT Building
Kashmere Gate, Delhi-110006

Annexure A**List of 9 locations where mobile towers are installed:**

1. District Park, Opp. Delhi Jal Board, Pitampura, New Delhi
2. DDA Market, LU Market, Pitampura, Near EB Box No. 508, North Delhi
3. District Park, Saraswati Vihar, Pitampura, New Delhi
4. District Park, CHBS, Pitampura, Near Brij Vihar, New Delhi
5. District Park, Sanik Vihar, Pitampura, New Delhi
6. District Park, Harsh Vihar, Pitampura, New Delhi
7. NHP at Rajdhani Enclave, Pitampura, New Delhi
8. NHP between Chander Lok & Lok Vihar, Pitampura, New Delhi
9. NHP, P&T Colony, Sandesh Vihar, Pitampura, New Delhi

7

Annexure-2



Government of India
Ministry of Communications
Department of Telecommunications
O/o Sr. DDG, Delhi LSA

5th Floor, MTNL Telephone Exchange Building, Nehru Place, New Delhi-110019

Delhi Pollution Control Committee
Dairy No. 94781
15 MAR 2021
RDPC
Sign. of Recording Office

File No. 59-8/TERMD/Compliance/2020-21/96

Dated: 10-03-2021

To,

Sh. B.L Chawla
Sr. Env. Engineer, RDPC
Delhi Pollution Control Committee
Department of Environment, (Govt. of NCT of Delhi)
4th Floor, ISBT Building, Kashmere Gate, Delhi- 110006

Subject: Complaints against mobile towers.

Reference. Letter No. DPCC/RDPC/Mobile Towers/Complaints/3176 dated 09.12.2020

Please refer to your complaint as referred above. In this regard, DoT's view on Electromagnetic Emission from Towers is attached herewith for your reference. Matter regarding illegal construction and encroachment are dealt by Municipal Corporations and Local Bodies.

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16/3/21

Scdell
16/03/21

EE-RDPC

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Kamal Deo

(Kamal Deo Tripathi)
ADG(C-1)

10/3/21

Annex: 4 Leaflets

DOT's View on Electromagnetic Emission from Towers

As alleged health effects of Electro-Magnetic Field emissions from mobile towers are concerned, it is stated that several studies have been conducted in different countries, under the aegis of World Health Organization (WHO) on the possible health effects from Electromagnetic Field Radiation (EMR) exposure from diverse EMR sources especially Mobile Base Transceiver Station (BTS) antennae and mobile. World Health Organization (WHO) has referred to approximately 25000 articles published around the world over past 30 years and based on an in-depth review of scientific literature, has concluded: "Current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields." For regulating the EMF emissions from a mobile tower, Department of Telecommunications has prescribed stricter precautionary norms for exposure limit for base station emissions, which is ten times more stringent than that of the existing limits prescribed by International Commission on Non-Ionizing Radiation Protection (ICNIRP). EMF radiations from a mobile tower which are below the safe limit prescribed by ICNIRP and recommended by World Health Organization have no convincing scientific evidence of causing adverse health effects.

2. Further, Government of India has also put in place a well-structured process and adequate mechanism to ensure that Telecommunications Service Providers strictly adhere to these prescribed norms. All new mobile BTS sites start radiating commercially only after ensuring adherence to prescribed norms and after submission of certificate to this effects to concerned License Service Area (LSA) field units of DoT. Additionally, TSPs are also required to submit the self-certificate in case of any up gradation changes. These self-certificates, required to be submitted by TSPs, provide information in detail, which are based on physical measurement, well defined and accepted calculations and include various data/photographs taken on site. The data provided is verifiable and unique for the site so as to ensure its correctness. These self-certificates are further scrutinized by field units for their correctness.

3. State Government, Municipal Corporation, Local Bodies regulate the installation of Towers as per their Building Bye-Laws. In this regard an advisory guideline for state governments for issuance of clearance for installation of mobile towers has been issued by Departments of telecommunications. Detailed information on Tower Policy and EMF related concerns has been provided in public domain and is available on DoT website <http://www.dot.gov.in/journey-emf> and <https://tarangsanchar.gov.in/EMFPortal/Home>. One can also check the latitude/longitude, level of emission, information on shared BTSs and compliance to DoT norms etc. of a tower on the website <https://tarangsanchar.gov.in/EMFPortal/Home>. One can also find question and answer in this regard on above mentioned webpage.

4. Keeping the precautionary EMF safe exposure limits for the Radio Frequency Field (Base Station Emissions) as $1/10^{\text{th}}$ of the safe limits prescribed by ICNIRP for all areas in India, eliminates the need for fixing lower limits for specific areas like schools, hospitals, residential premises, children playgrounds; a segregation of which is impractical in densely populated localities.

5. In case one wants a site to be tested for EMF radiation, it can be done by logging into "TARANG SANCHAR" portal and paying a nominal fee of Rs. 4000/- only. All the relevant details are available on this portal.