

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
IN
WRIT PETITION NO. 13029 of 1985

IN THE MATTER OF:

M.C. MehtaPetitioner

Versus

Union Of IndiaRespondent

SUBMISSION ON URGENT ACTIONS TO CONTROL AIR POLLUTION IN
NCR BY THE AMICUS CURIAE

- 1) We are confronted, with yet another possible health emergency as the weather conditions continue to deteriorate in the NCR. The situation is compounded by the non-implementation of the existing directions of this Hon'ble Court.

- 2) The Graded Response Action Plan (GRAP) is an emergency plan, designed to take urgent remedial action when air quality deteriorates. However, multiple reasons are making GRAP ineffective, which are as follows:
 - a) Many actions in the graded response plan are contingent upon the implementation of the Comprehensive Action Plan and hence cannot be implemented. For instance, increase in frequency of bus and metro service is not possible in the absence of additional buses or coaches.

 - b) Secondly, even the possible measures are not being taken due to complete apathy on part of the agencies responsible. Garbage burning, which should not have taken place even in normal conditions, is rampant despite adverse weather

conditions. Despite laying down of emission standards for Industries under the directions of this Hon'ble Court, the emissions remain unmonitored. Dust management at construction sites is absent.

- c) Thirdly, the physical monitoring required to detect violations of the order passed by the Environment Pollution Control Authority under Graded Response Action Plan is grossly inadequate, as the inspection report of Chairman, EPCA reveals.
 - d) Finally, there is absence of effective complaint mechanism where the citizens can lodge a complaint and expect prompt action. The Sameer application launched by the CPCB has not been successful in redressing citizens' grievances. The need of the hour is to actively involve the citizens in the reporting of violations to the authorities directly which would help the authorities in identifying the polluters and take prompt action. This would also reduce the burden of inspection on the authorities and help them concentrate on corrective measures. It is important that such reporting happens on a public interface where the authorities can be directly held accountable.
- 3) Due to non-implementation of the stickers order it has not been possible to weed out 10 years old the Diesel vehicles and 15 years old petrol vehicles from the road or to keep out the orange sticker (diesel) vehicles from the road during this period.
 - 4) In this scenario the following urgent directions are sought from this Hon'ble Court to correct the prevailing situation:
 - i) Direct the Transport Departments of NCR to immediately announce that all the Diesel vehicles more than 10 years old and petrol vehicles more than 15 years shall not ply in NCR in terms of the order of the National Green Tribunal dated 7.4.2015. Vehicles violating the order should be impounded.

The list of such vehicles should be published on the web site of Central Pollution Control Board and newspapers as notice to the vehicle owners.

- ii) Direct the Central Pollution Control Board to immediately create a social media account on which the citizens may lodge their complaint directly to be acted upon by the Task Force responsible for implementation of Graded Response Action Plan.
- iii) Permit EPCA to take pre-emptive steps under the Graded Response Action Plan without strict adherence to pollution stages delineated in the plan.
