



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

SPEED POST and E-MAIL

Nov. 12, 2018

B-33014/30/2013/AQM/ 12566

To,

**The General Manager,
Northern Railway HQ,
Baroda House,
New Delhi-110001**

Sub: Show Cause Notice under Section 5 of Environment (Protection) Act, 1986 regarding illegal disposal of Construction and Demolition waste and open burning of waste onto Railway land near Shivaji Park Metro Station and near Madhipur village, Delhi.

WHEREAS, Section 16 (2) (b), (f) and (j) of The Air (Prevention & Control of Pollution) Act, 1981 mandates Central Pollution Control Board to execute nation-wide program for prevention, control and abatement of air pollution and organize a comprehensive program and perform such other functions as may be prescribed; and

WHEREAS, rising air pollution in Delhi during winter season is a matter of serious concern, especially with regard to high levels of particulate matter exceeding National Ambient Air Quality Standards, 2009; and

WHEREAS, regular review meetings were also convened during year 2016 and 2017 wherein instructions were issued to Construction Agencies/ Municipal Corporations to strengthen and tighten enforcement; and

WHEREAS, in pursuant to the Hon'ble Supreme Court's order dated December 02, 2016 in the matter of M. C. Mehta vs. Union of India regarding air quality in National Capital Region of Delhi, a Graded Response Action Plan was prepared for implementation under different Air Quality Index (AQI) categories namely, Moderate & Poor, Very Poor, Severe and Sever + as per National Air Quality Index, and, that Ministry of Environment, Forests & Climate Change vide notification dated January 12, 2017 entrusted responsibility of implementation of Graded Response Action Plan to Environment Pollution (Prevention & Control); and

WHEREAS, Hon'ble National Green Tribunal vide order dated December 18, 2017 and July 27, 2018 in OA No. 44/2018 Vardhman Kaushik Vs Union of India & Ors. finalized four categories in relation to pollution levels in ambient air in Delhi - NCR and specified actions for implementation by enforcement agencies under each category and submission of reports to CPCB; and

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

WHEREAS, a meeting was held with concerned stake holders under Chairmanship of Chairman, CPCB on August 30, 2018 to discuss status of preparedness for controlling air polluting sources during winters in Delhi NCR; and

WHEREAS, Ministry of Environment & Forests, Government of India, vide Notifications No. GSR 913 (E) dated 24.10.89, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violations of the standards and the rules notified under the Environmental (Protection) Rules, 1986 and amendment thereof; and

WHEREAS, considering winter season as critical with regard to air pollution, CPCB deployed 41 teams to visit areas in Delhi-NCR from September 15, 2018 to provide feedback on air polluting mitigation activities & level of implementation of Graded Response Action Plan; and

WHEREAS, Chairman, CPCB further reviewed status of sources of pollution and performance of enforcement agencies on October 11, 2018 and as per reported data of field inspections, open dumping/ burning of garbage and open dumping of C&D waste were reported as prominent activities towards generation of air pollution; and

WHEREAS, poor air quality affects health of people and it has been observed that actions taken by Construction Agencies/ Municipal Corporations/ Land Owning Agencies continue to be grossly inadequate in Delhi-NCR which amount to criminal negligence; and

WHEREAS, Ministry of Environment, Forest and Climate Change (MoEF&CC) has notified "Construction and Demolition Waste Management Rules, 2016" vide GSR 317(E); dated 29th March, 2016 henceforth known as the said rules; and

WHEREAS, in exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government has made Environment (Protection) Amendment Rules, 2018 vide G.S.R. 94(E); dated 25th January, 2018; and

WHEREAS, in compliance of Rule 10 sub rule 1(a) of the said rules, CPCB has developed and published "Guidelines on Environmental Management of Construction & Demolition (C&D) Wastes" to promote an integrated approach towards reduction of environmental impacts; and

WHEREAS, the said rules, guidelines and dust mitigation measures available on the website of CPCB at the link: www.cpcb.nic.in; and

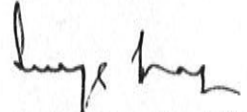
WHEREAS, joint inspection team comprising officials of CPCB , MoEF&CC, MCD ,DPCC and SDM Punjabi Bagh under Clean Air Campaign observed on November 01 2018 that C&D waste is dumped onto railway land near Shivaji Park Metro Station(Longitude-28.675 and Latitude-77.129) during November 01-05, 2018; and

WHEREAS, joint inspection team comprising officials of CPCB ,MoEF&CC, MCD ,DPCC and SDM Punjabi Bagh under Clean Air Campaign also observed on November 05, 2018 that C&D waste is dumped and waste is burned in a railway land about 1 km distance near Madhipur village, Rohtak Road(Longitude-28.676 and Latitude-77.117) during November 01-05, 2018; and

WHEREAS, the above complaints have also been uploaded/lodged in SAMEER app vide complaint id- 911399 & 985251 on November 01 and November 05,2018 respectively by the joint team but no corrective action has been so far taken in 48 hours by the Northern Railway.

NOW THEREFORE, in view of the above and in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, Notice is hereby served to Northern Railway to Show Cause as to why Environmental Compensation of Rs 1,00,00,000/- (Rs. One Crore only) shall not be levied, and prosecution should not be initiated against Northern Railway as per provision of the Environment (Protection) Act, 1986 and National Green Tribunal Act,2010 for non-compliance of provision of C & D waste Management Rule 2016.

The Northern Railway shall file its reply/ objections to above notice within 24 hours of receipt of this Notice failing which action as deemed fit under the Environment (Protection) Act, 1986 and NGT Act 2010 will be initiated.


(S.P.S Parihar) 14/11/18
Chairman



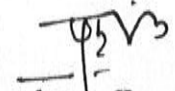
Copy to:

1. The Chairman Railway Board, :for information please
Rail Bhavan
Raisina Road,
New Delhi - 110001

2. The Joint Secretary, :for information please
CP Division,
Ministry of Environment, Forests and Climate Change,
Indira Prayavaran Bhawan, Jorbagh Road,
New Delhi - 110 003

✓ 3. Divisional Head, IT Division, CPCB, Delhi

4. Divisional Head, UPC-I, CPCB, Delhi


(Prashant Gargava)
Member Secretary

