

**SPEED POST**

B-33014/30/2013/AQM 13519

December 03, 2018

To,

**The Secretary,  
Irrigation and Flood Control Deptt,  
Delhi Government  
Varunalaya Building, Phase II ,  
Karol Bagh  
Delhi -110005**

**Sub: Show Cause Notice under Section 5 of Environment (Protection) Act, 1986 regarding open dumping/burning of garbage and industrial waste along Shahadra open drain in Delhi /NCR**

WHEREAS, clean air is a matter of right and it is necessary to take steps towards improvement of Air Quality and for protecting public health National Ambient Air Quality Standards have been prescribed for 12 pollutants viz. PM, 5, PM10, SO<sub>2</sub>, NO<sub>2</sub>, CO, Ozone, NH<sub>3</sub>, Benzene, Benzo(a)pyrene, Pb, Ni, and As; and

WHEREAS, many towns and cities, where ambient air is monitored under National Ambient Monitoring Programme, are not complying with the National Ambient Air Quality Standards, particularly with respect to particulate matter pollution, and NO<sub>2</sub>, benzene and Ozone are becoming a matter of concern;

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 (GRAP) 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, open dumping and burning of waste is is a major cause of air pollution affecting human health; and

WHEREAS, the 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,

WHEREAS, inspection of Shahadra drain in Delhi-NCR was carried out by a team consisting of officials from MoEF&CC, CPCB, DPCC, MCD and Sub-District Magistrate deputed on field under Clean Air Campaign during November 01-05, 2018 and it was observed that industrial/municipal solid waste was dumped/burnt in several stretches along the drain. Three incidents of waste burning were cited during November 04-05, 2018. Local residents have also reported several cases of waste burning along the drain which has caused air pollution; and

Whereas Challan dated November 05, 2018 has been issued by EDMC to I&FC Deptt, Govt. of Delhi

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 I&FC Deptt. Govt. of Delhi to Show Cause as to why you should not be held responsible for open burning/dumping of waste in Shahadra drain; Environmental Compensation of Rs 1,00,00,000/- (Rs. One Crore only) shall not be levied, and prosecution should not be initiated against I&FC Deptt. Govt. of Delhi for non-compliance of directions;

I&FC Deptt. Govt. of Delhi on its behalf 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/ National Green Tribunal Act 2010 will be initiated.

  
(S.P.S Parihar)  
Chairman

Copy to:

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

2.  Divisional Head,  
IT Division, CPCB

  
(Prashant Gargava)  
Member Secretary